

Jury County

L A W S

O F

Jury County, N.C.

NORTH-CAROLINA.

At a GENERAL ASSEMBLY, begun and held at the City of RALEIGH, on the thirtieth Day of DECEMBER, in the Year of our Lord One thousand seven hundred and ninety-four, and in the Nineteenth Year of the Independence of the said State: Being the First Session of the said Assembly.

1794.

RICHARD D. SPAIGHT, Esq
Governor.

C H A P. I.

An Act to raise a revenue for the payment of the civil list and contingent charges of government for the year one thousand seven hundred and ninety-five.

BE it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That for the year one thousand seven hundred and ninety-five a tax of eight pence on every hundred acres of land in this state, and a tax of two shillings on every hundred pounds value of town lots with their improvements, and a tax of two shillings on every poll, shall be levied, collected and accounted for, in the manner directed by the several acts of Assembly for those cases and provided.

Tax for 1795.

And be it further enacted, That a tax on all stud-horses within this state, of the fourth part of the sum which the owner of such stud-horse shall alk and receive for the season of one mare to such stud-horse, shall be levied, collected and accounted for in the same manner that such taxes have been heretofore levied, collected and accounted for.

On stud-horses.

And be it further enacted, That no sinking-fund tax be collected for the year one thousand seven hundred and ninety-five.

No sinking-fund tax.

C H A P. II.

An Act to prevent the further importation and bringing of slaves and indented servants of colour into this state.

BE it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the first day of May next, no slave or indented servant of colour shall be imported or brought into this state by land or water; nor shall any slave or indented servant of colour, who may be imported or brought contrary to the intent and meaning of this act, be bought, sold or hired by any person whatever.

No slave, &c. to be imported, &c. after 1st May next.

II. Be it further enacted by the authority aforesaid, That every person importing or bringing slaves or indented servants of colour into this state after the said first day of May next, by land or water, contrary to the provisions of this act, shall forfeit and pay the sum of one hundred pounds for each and every slave or indented servant of colour so imported or brought. And every person who shall knowingly sell, buy or hire such slave or indented servant of colour, shall in like manner forfeit and pay the sum of one hundred pounds for each and every slave or servant of colour so sold, bought or hired: One moiety of which forfeiture shall be to the use of the state, and the other moiety to him or them who shall sue for the same; to be recovered in the name of the Governor for the time being, by action of debt, in any of the superior courts of law in this state.

Penalty for importing, &c.

On selling, buying, &c.

III. Be it further enacted by the authority aforesaid, That it shall be the duty of all Justices of the Peace, Sheriffs, Coroners, Constables and other judicial and ministerial officers of this state to use all reasonable and lawful means to carry this act into effect; which if they or any of them neglect to do, it shall be deemed a misdemeanor in office. And any officer who shall fail, neglect or refuse, upon application, to perform the duties aforesaid, shall be held and deemed liable to the forfeitures inflicted on those who may

Justices, &c. to carry this act into effect.

Penalty for neglect, &c.

A 1794

import

1794.

Persons removing into the state allowed to bring their slaves, &c. Or travelling thro' the state. Or receiving them by marriage, gift, &c.

Oath to be taken by persons removing, &c.

And by persons bringing slaves, &c.

import or bring a slave or indented servant of colour into this state in the first instance; and shall be proceeded against in the like manner and to the like effect.

IV. *Be it further enacted and provided*, That nothing in this act shall be construed to prevent any person or persons, being citizens of the United States, or subjects or citizens of foreign countries, who intend to reside and settle within the limits of this state, from bringing with him, her or them such slaves or servants as they may think proper; or to prevent such persons from travelling with their slaves or servants through this state in order to settle in another state; or to prohibit any citizen of this state, who may obtain slaves or servants of colour by marriage, gift, legacy, devise or descent; or who hath heretofore entered into *bona fide* contracts, from bringing the slaves or servants of colour so obtained, or contracted for, into this state, by land or water. *Provided*, That the person or persons so intending to become citizen or citizens hereof, shall previously thereto take the following oath: "I, A. B. do swear that I have moved into this state for the purpose of becoming a citizen thereof; and that the slaves brought by me into this state, are for my own service, and not for the purpose of sale or traffic; or for the purpose of defeating the operation of the act of Assembly in such case made and provided."

V. *And be it further enacted by the authority aforesaid*, That whenever any citizen or other person hereafter shall bring, or remove from any other state or country, any servant or slave of colour, he, she or they shall take the following oath: "I, A. B. solemnly swear or affirm, that I have not received or accepted of any slave with an intention to make sale of the same for the use of myself or any person; or with an intention to evade or defeat the intention of an act of Assembly in such case made and provided; and that I have not either directly or indirectly given aid or assistance for the same."

C H A P. III.

An Act more liberally to endow the University of North-Carolina, and to secure the of certain inhabitants of Mecklenburg county, and other citizens of this state, to the lands heretofore purchased from Henry Eustace McCulloh.

WHEREAS the Trustees of the University of North-Carolina, have with a zeal for the promotion of literature, erected a building for the use of the University, but have not funds to proceed in the liberal manner, which the honour and interest of the public demand; and as the remnant of confiscated property of the Commissioners appointed for that purpose, might contribute to furnish the means of making a permanent establishment for the cultivation of science:

Confiscated property unsold vested in the Trustees of the University

I. *Be it enacted by the General Assembly of the state of North-Carolina, and in the authority of the same*, That all lands not heretofore sold, which by any of the laws, commonly called confiscation laws, have been forfeited or conveyed to the use of the state, be and the same are hereby granted to and vested in the Trustees of the University of North-Carolina; and their successors forever, in trust for the use and benefit of the said University.

Confiscated lands mortgaged, &c. vested in said Trustees, &c.

And whereas a number of the inhabitants of Mecklenburg county, and other citizens of this state, purchased lands from Henry Eustace McCulloh, taking the bonds of the said Henry Eustace McCulloh to make a title or titles to the said purchased premises, which lands have become confiscated to the state, and the said purchasers cannot procure titles to the same. And whereas also other persons who had purchased lands from the said Henry Eustace McCulloh, executed mortgages to him for the said purchased premises previous to the fourth day of July, in the year one thousand seven hundred and seventy-six; and it is proper that such persons should have some easy method of completing their titles, and removing the incumbrances aforesaid:

II. *Be it enacted by the authority aforesaid*, That to much and such part of the said confiscated lands, as may have been *bona fide* purchased or mortgaged as aforesaid, are granted to, and vested in the Trustees of the University of North-Carolina, and their successors, not only for the use and purpose above mentioned in this act, but on the express trust, that the said Trustees and their successors, shall take and use all proper ways and means, both in law and equity, to convey and assure to the equitable owners or claimants of such lands, a good and sufficient title in law to the land so purchased or mortgaged as aforesaid; such equitable owners or claimants paying, or securing to be paid to the said Trustees, or their successors, such sum or sums of money as may be justly and equitably due on such purchase or mortgage. *Provided*, That the interest to be required from such claimants, shall in no instance exceed the principal; nor shall interest in any case be calculated during the war.

Trustees to keep and render account of proceeds, &c.

And to the end that the real value and amount of the said endowment may be known: III. *Be it enacted by the authority aforesaid*, That the said Trustees shall keep an accurate account of the proceeds of the sales and payments made for said lands, with their expences and disbursements, together with a statement of all other monies entrusted to their management, either by the public or individuals, and lay the same annually before the General Assembly.

IV. *And*

1793.

IV. *And be it further enacted and provided*, That the proceeds of all sales which shall be made, and the amount of all payments received under this act, shall be considered as a fund, the interest whereof shall be applied to the uses and purposes expressed in this act, for the term of ten years, at the expiration of which time, the principal thereof, after deducting the charges of collection, shall be subject to the direction and disposition of the General Assembly. *Provided nevertheless*, That whenever the principal collected and intended by this act to be loaned as aforesaid, shall exceed ten thousand pounds, the surplus, if in cash, shall immediately be paid into the treasury of this state, and if in bonds, it shall be the duty of the said Trustees to transfer them without delay to the public Treasurer for the time being, for the use of the state.

C H A P. IV.

An Act to prevent the owners of slaves from hiring to them their time, to make compensation to Patrolls, and to restrain the abuses committed by free negroes and mulattoes.

WHEREAS great mischiefs have arisen from slaves being permitted to hire their own time :

I. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That it shall not be lawful, under any pretence whatever, for any person or persons to allow his, her or their slave, or any slave under his, her or their command or direction, to hire his, her or their time, under the penalty of forfeiting the sum of twenty pounds for each and every offence ; to be recovered before any Justice of the Peace, to the sole benefit of the party prosecuting : And it shall be part of the duty and charge of the Grand Jury, both in the county and superior courts, to make presentment of any slave who shall be permitted by his or her master or mistress to go at large, having hired his or her time, and on such presentment being made, the court shall issue an order to the Sheriff of the county where such negro may be, to take up such negro, and him or her safely secure, so that he can have such negro before the next county court ; and it shall be the duty of the Sheriff to give the owner notice thereof (if residing within the district) at least ten days before the setting of the court ; and the said court shall empanel a jury to enquire and try the truth of such presentment, on which trial or enquiry the owner may produce evidence as in other cases ; and if the jury shall find that the said presentment is true, such negro shall then be hired out by the Sheriff of the county, at public vendue, for the space of one year, taking bond with security for the same, payable to the Wardens of the Poor, for the use of the poor of said county, subject to the payment of any charges respecting said negro. *Provided always*, That when the owner resides out of the district, the Sheriff shall give notice by advertisement in the nearest gazette, for at least two weeks, where a gazette shall be published in the district in which the Sheriff shall live, but in other cases the Sheriff shall advertise the same at the district court-house and the court-house of the county in which the said slave shall be presented or shall be taken up. *Provided always*, That when any person who shall hire the negroes of an orphan, shall hire to such slave his or her time, the slave shall only be hired out under this act, for such time or the remainder of the time as said slave may have been hired to such person.

Slaves not permitted to hire their times.

Penalty, recovery, &c.

Manner of proceeding against such slaves, &c.

II. *And be it further enacted*, That no person shall grant permission for any meeting or meetings of the negroes of others, or people of colour, at his, her or their houses, or on his, her or their plantation, for the purpose of drinking or dancing ; under the penalty of forfeiting ten pounds on conviction of such offence in any court having jurisdiction thereof, unless such slave shall have a special permit in writing or otherwise from his or her owner for that purpose.

Penalty for granting permission for negroes to meet, &c.

III. *And be it further enacted*, That the Justices of the courts of pleas and quarter-sessions, if they deem it necessary, shall at the first or second court which shall be held after the first day of January, in the year one thousand even hundred and ninety-five ; and the first court which shall be held after the first day of January in each year afterwards, appoint in each Captain's district or company, any number, not exceeding six discreet and proper persons, to act as Patrollers for the space of one year ; and as a compensation for the services required of them as such, shall be exempted from serving on juries, working on roads, and from the payment of all county and parish taxes to the amount of forty shillings, and in addition to the fees hitherto allowed by law, the Patrollers so appointed shall be entitled to receive the one half of the penalties recovered under this act in the district in which such Patrollers may respectively act and reside, except such penalties as may be incurred by hiring to negroes their own time.

Patrollers to be appointed.

Their compensation, &c.

IV. *And be it further enacted*, That it shall be the duty of the Patrollers, or two of them at least, appointed as aforesaid, to patrol their respective districts once at least in two weeks, for the purpose of carrying this act into effect ; and on failure or neglect to perform such services, every person so failing or neglecting shall forfeit and pay the sum of ten pounds, recoverable before any jurisdiction having cognizance thereof, one half to the use of the informer, and the other half to the use of the county where the same is recoverable.

Their duty.

And penalty for neglect.

V. *And be it further enacted*, That the Patrollers in each district, or a majority of those

1794.



those present, shall have power to inflict a punishment, not exceeding fifteen lashes, on all slaves they may find off their owner's plantation, or travelling on the Sabbath, or other unreasonable time, without a proper permit or pass.

Former fines
how to be ap-
propriated.

VI. *And be it further enacted*, That the fines and penalties heretofore recoverable for the use of the poor of the county, under an act, entitled "An act to prevent thefts and robberies by slaves, free negroes and mulattoes," passed in the year 1787, shall hereafter be recovered by and for the use of the person who may sue or may prosecute for the same, subject however to the claim of the Patrollers, agreeably to the third section of this act.

Fines when to
take effect.

Part of an act
repealed.

VII. *And be it further enacted*, That so much of this act as relates to fines and forfeitures, shall not take effect until the first day of November next: And that so much of an act of the General Assembly, passed in the year one thousand seven hundred and seventy-nine, entitled "An act to amend an act, entitled An additional act concerning servants and slaves," passed at Newbern, in the year one thousand seven hundred and fifty-three, and for other purposes therein mentioned, as compels the owners of slaves to pay for taking them up without a pass, shall be and the same is hereby repealed and made void.

C H A P. V.

An Act for altering and fixing the time of the annual meetings of the General Assembly of this state.

Meeting of the
Assembly
when held.

I. *BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That hereafter, the annual meeting of the General Assembly of this state, shall be on the first Monday in November in every year.

To appoint a
Governor, &c.

II. *And be it further enacted*, That at each annual meeting of the General Assembly hereafter, it shall be lawful to appoint a Governor, and other officers of state, as hath been the practice heretofore, any thing to the contrary notwithstanding.

C H A P. VI.

An Act ratifying an amendment to the Constitution of the United States of America.

Amendment to
constitution of
the U. States
ratified.

WHEREAS the third Congress of the United States of America, at the first session thereof began and held at the city of Philadelphia, in the state of Pennsylvania, on Monday the second day of December, one thousand seven hundred and ninety-three, did pass the following resolve, two thirds of both Houses concurring, viz. "Resolved, by the Senate and House of Representatives of the United States of America, in Congress assembled, two thirds of both Houses concurring, that the following article be proposed to the Legislatures of the several states, as an amendment to the constitution of the United States, which when ratified by three-fourths of the said Legislatures, shall be valid as part of the said constitution, viz. The judicial power of the United States, shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state:"

I. *Be it therefore enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, That the said article, viz. "The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state," be, and the same is hereby ratified on the part of this state, as an amendment to the constitution of the United States of America.

C H A P. VII.

An Act giving further time for registering Grants, proving Deeds and Mesne Conveyances which have not been proved and registered within the time heretofore appointed by law.

Further time
allowed to re-
gister grants.

I. *BE it enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same*, That all grants for lands entered in the land-office under the present government, which have not been registered within the times heretofore appointed by law, shall and may, within two years after the passing of this act, be admitted to registration, and shall be as good and valid as if they had been registered within the time heretofore allowed by law.

Deeds, &c.

II. *And be it further enacted by the authority aforesaid*, That all deeds and mesne conveyances of lands, tenements, and hereditaments, not already proved, acknowledged, and registered, shall and may, within two years after the passing of this act, be acknowledged by the grantor or grantors, his or their agents or attornies, or proved by one or more of the subscribing witnesses to the same, and tendered or delivered to the Registers of the counties where such lands, tenements or hereditaments are respectively situated. And all deeds and mesne conveyances whatsoever, which shall be acknowledged, or proved and registered according to the directions of this act, shall be good and valid,

1794.

valid; and take effect as fully to the use and benefit of the grantees, their heirs and assigns, as if such deeds and mesne conveyances had been acknowledged, proved and registered agreeable to the directions of any law heretofore made.

C H A P. VIII.

An Act prescribing the residence of the Governor of this state.

WHEREAS it is proper that the principal officers of the state should reside at the seat of government:

I. Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the rise of the next annual meeting of the General Assembly, it shall be the duty of the Governor, or Commander in Chief for the time being, to reside at the city of Raleigh, six months, exclusive of the time the Legislature may be in session, in the year for which he may be appointed, or act as Governor; and such residence shall be at such times within the year as he in his discretion may deem most proper for the convenience of the citizens of the state and the dispatch of public business; and he shall cause the same to be notified in all the gazettes of this state.

Governor to reside six months yearly at Raleigh, &c.

II. And be it further enacted, That whenever the Governor shall conceive it necessary to convene the Council of State, such meeting shall be in the city of Raleigh, unless an invasion, insurrection or contagious disease, shall render it advisable to call them elsewhere.

Council of State there to be convened.

C H A P. IX.

An Act for ceding to the United States the jurisdiction of certain lands on Shell-Castle Island, in the harbour of Occacock.

WHEREAS the Congress of the United States have passed an act to erect a lighted beacon on Shell-Castle Island, in the harbour of Occacock, upon condition that this state will cede to the United States, a sufficient quantity of land for that purpose:

I. Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That the exclusive legislation and jurisdiction of so much land on Shell-Castle Island, as shall be purchased by the United States from the present proprietor or proprietors, for the purpose of erecting a lighted beacon thereon, is hereby ceded to the United States, and this Legislature doth hereby consent to such purchase.

Jurisdiction of certain lands ceded to the U. States.

II. And be it further enacted. That this act shall not be construed to debar or hinder the process from any court or Judge of this state from running within the boundaries of the lands so to be purchased; nor to continue the authority of the United States over any part of the said lands, for any longer term than the said lighted beacon shall be kept up.

Not to debar state process, &c.

C H A P. X.

An Act to provide for the public safety, by granting encouragement to certain manufactures.

I. BE it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That a bounty of twenty-five pounds shall be given for the years one thousand seven hundred and ninety-five, one thousand seven hundred and ninety-six, and one thousand seven hundred and ninety-seven, to the person or company in each brigade in this state, who shall manufacture and produce, within each year respectively, to the Brigadier General, the Brigade Inspector, and the commanding officer of the cavalry, the best and highest finished musket and bayonet, of the description prescribed by Congress; and a bounty of twenty-five pounds to the person or company in each brigade, who shall manufacture and produce in each of the years aforesaid, to the officers above mentioned, the best and most useful case of horseman's pistols; and a bounty of ten pounds to the person or company in each brigade, who shall manufacture and produce to the officers above mentioned, the best and highest finished horseman's sword, due regard being paid to shape and workmanship; which bounties shall be severally paid by the public Treasurer, to the person or persons entitled to the same, upon the certificate of the officers aforesaid, countersigned by the Governor for the time being; and it shall be the duty of the officers aforesaid, to cause advertisements to be put up at one or more public places in each of the counties composing their respective brigades; which advertisements shall set forth the time when, and the place where they mean to attend for the purpose of examining the articles which may be so manufactured in each year, and of making their final decision. And each application for any of the bounties aforesaid, shall be accompanied by a written instrument, signed by the applicant or applicants, stating the terms upon which he or they will furnish the public with a given number, which shall not be less than one hundred stand of muskets and bayonets, one hundred cases of pistols, or one hundred horseman's swords, as the case may be, and the time in which he or they can manufacture the same; which papers shall accompany the certificates to the Governor, and be by him laid before the next ensuing Assembly in each year. *Provided always,* That no such certificate shall

Bounties on certain manufactures.

How to be paid, examined, &c.

Terms to be offered for furnishing the public, &c.

1794.

Applicant to
make oath, &c.

be given by the officers aforesaid, unless the applicant or applicants shall previously make oath that the article, and every part thereof, for which the bounty may be claimed, was made by or for him or themselves, at works within the brigade, which were his or their own property; which affidavit shall accompany the certificate of the Brigadier-General, the Brigade-Inspector, and the commanding officer of the cavalry, to the Governor, and compose a part of the warrant for drawing the money.

Bounty on
powder.

II. *Be it further enacted by the authority aforesaid,* That the bounty of fifty pounds shall be given in like manner for each of the years aforesaid, to the person or company in each superior court district, who in his or their particular district, shall make the greatest quantity of merchantable musket or rifle powder within the year for which he or they may claim the bounty, at works which are his or their own property. *Provided,* That no bounty shall be given to any person or company who makes a less quantity than five hundred pounds weight of either or both. *Provided also,* That no person or company shall receive such bounty unless he or they shall, within three months after the expiration of the year for which the bounty is claimed, produce to the Governor a sample of the powder, together with a certificate from three respectable freeholders, of whom one shall be a Justice of the Peace, importing that they had seen the powder made by the claimant or claimants at different times; that it was good and merchantable in quality; that the several parcels were weighed at different times, or at one time, as the case may be, in their presence; and that the whole was of the weight which they shall specify; which certificate shall be accompanied by an affidavit made by the claimant or claimants, that the whole of the powder for which the bounty may be claimed, was made in that year, by or for him or themselves, at works within the district, which were his or their property. And the Governor shall, within three months after the end of each year, issue a warrant for the bounty aforesaid, in favour of the person who in each district may appear to be entitled to the same.

Not less quan-
tity than 500lbSample, certi-
ficate, &c. to
be produced
to the Gover-
nor, &c.

And that impositions and frauds may be prevented:

Governor to
issue procla-
mation, &c.

III. *Be it further enacted by the authority aforesaid,* That it shall be the duty of the Governor, after granting his warrant as herein before directed, in each year, for the bounties aforesaid, to issue a proclamation, setting forth the quantity of each article manufactured, agreeable to the returns; the persons manufacturing the same; the persons who obtained the several bounties; the names of the persons attesting their several certificates, and their places of residence; which proclamation shall be posted up at the court-house of each and every county within this state, and published in the several gazettes of the state, at the public expence, at least six weeks in each year.

C H A P. XI.

An Act to amend an act, entitled "An act to extend the right of trial by jury to slaves," passed at the last annual session held at Fayetteville.

WHEREAS it is not sufficiently ascertained by the said act what shall be the particular province and duty of the jury and of the court, on the trial of any slave or slaves under said law:

Duty of jury
& court on
trial of slaves.

I. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That it shall hereafter be the sole duty of the jury sworn on the trial of any slave or slaves, to give a verdict of guilty or not guilty, on the evidence submitted to them by the court; and on the verdict so given in by the jury, it shall be the duty of the county court, when sitting on the trial of any slave or slaves, or of three Justices when they shall be sitting on any such trial, to pass judgment and sentence on the slave or slaves so tried before them, agreeably to the verdict of the jury and the laws of the country.

C H A P. XII.

An Act to prevent fraud in the sale of property therein mentioned.

WHEREAS great frauds have arisen to many of the good citizens in this state, for the want of sufficient notoriety in the sales of property taken by execution, and those made by the representatives of deceased persons: For remedy whereof,

Time of sel-
ling & hiring
certain pro-
perty prescri-
bed.

I. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the first day of April, in the year one thousand seven hundred and ninety-five, no sale of any property taken by virtue of any execution directed to the Sheriff of the county or any other officer, and no sale of any property of any deceased person, and no auction or vendue, where the lands, houses, or slaves of any deceased person or minor, are to be rented or hired out, shall commence before eleven o'clock in the morning, or after four o'clock in the evening of the day on which such sale or auction is to be made; and any Sheriff or other officer, executor, administrator, guardian, or other person, who shall make any sale contrary to the true intent and meaning of this act, shall forfeit and pay the sum one of hundred pounds; to be recovered by any person prosecuting for the same, with costs of suit, in any court of record in this state.

II. *And be it further enacted by the authority aforesaid,* That from and after the said first

1794.

Certain sales,
renting, &c. to
be by auction.
Due notice to
be given.

first day of April, in the year one thousand seven hundred and ninety-five, all sales of property of deceased persons, and the renting and hiring out of all houses, lands, and slaves of any deceased person or minor, shall be made and done by way of public vendue or auction; and all executors, administrators, and guardians, are hereby directed and required, that previous to all such sales and auctions, they shall give sufficient notice thereof, by advertising the same in three or more public places in the counties where the same are respectively to be made, at least ten days before the day of such sale or auction. *Provided always*, That nothing in this act contained, shall be construed to extend in any manner to executors in cases where discretionary powers are vested in them by the will of their testator.

C H A P. XIII.

An Act directing the mode of recovering debts of twenty pounds and under.

WHEREAS the present mode of recovering debts of twenty pounds and under in this state, is laid down and contained in sundry acts and clauses of acts, passed at different sessions of the General Assembly, whereby such mode is rendered complex and difficult to be understood; and it being proper and necessary that laws which affect the property of a great majority of the citizens, should be as plain and easy of comprehension as the nature of the case will admit; therefore, in order to bring into view, and comprehend in one act, all that may relate to the recovery of such debts:

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, That all debts and demands of twenty pounds and under, for a balance due on any specialty, contract, note or agreement, or for goods, wares and merchandize sold and delivered, or for work or labour done, or for specific articles, whether due by obligation, note or assumpsit, are hereby declared to be cognizable and determinable by any one Justice of the Peace out of court, who may give judgment thereupon, and award process of execution against the goods and chattels, lands and tenements, or body of the party cast; which process shall be executed and returned by the Sheriff, Constable or other lawful officer, to whom the same may be directed, in the same manner as other writs of *Fieri Facias*, or *Capias ad Satisfaciendum*, are to be executed and returned; but such judgment shall be subject nevertheless to the appeal of either party, to the next court of pleas and quarter-sessions of the county in which such judgment may be given; the party praying such appeal first giving sufficient security for prosecuting the same with effect: Whereupon an issue shall be made up and tried the first court, by a jury of good and lawful men, in the same manner as other jury causes are tried, unless sufficient cause be shewn on affidavit for a continuance. *Provided always*, That where a judgment shall be given by a Justice of the Peace as aforesaid, execution thereon shall be stayed in the following manner, *to wit*, For all sums not exceeding two pounds, twenty days; for all sums above two pounds and not exceeding five pounds, sixty days; for all sums above five pounds and not exceeding ten pounds, one hundred and twenty days; and for all sums above ten pounds and not exceeding twenty pounds, six months. And for the true and faithful payment thereof, with interest and costs, the party praying such stay of execution, shall, if required, give sufficient security; and the acknowledgment of such security, entered by the Justice, and signed by the party, shall be sufficient to bind him; and if the judgment shall not be discharged at the time to which the execution has been stayed, then it shall be lawful for the Justice who has possession of the judgment, to issue execution as aforesaid against the principal and securities.

Jurisdiction of
a Justice of the
Peace, and under.

Subject to ap-
peal, &c.

Stay of execu-
tion.

Security, &c.

II. *And be it further enacted*, That in all warrants issued by a Justice of the Peace, against any person or persons whatsoever, executors and administrators excepted, the Sheriff, Constable or other officer shall be commanded to take the body of the person therein mentioned as defendant, if to be found in his county, to answer the complaint of the plaintiff in such warrant, before some Justice of his county; and such officer, when required by the plaintiff, shall take bond, with sufficient security, of the party arrested, in double the sum for which such person shall be held in arrest (which sum and how due shall be expressed in the warrant) conditioned for his or her appearance at a certain time and place therein to be specified, before some Justice of the county where the warrant issued; which bond shall be assigned by such officer to the plaintiff, and returned with the warrant, and shall be filed by the Justice that shall try the warrant, with the other papers in the suit; and in case the Sheriff, Constable or other officer, shall fail or neglect to take such bond, with security as aforesaid, he shall be held and deemed special bail, and the plaintiff may proceed to judgment against the bail according to the rules hereinafter prescribed.

Officer's duty
on a warrant
issuing.

III. *And be it further enacted*, That when any Sheriff, Constable or other officer, shall serve a warrant on any person or persons who shall refuse to give bond and security for his or her appearance as aforesaid, such officer is hereby required to commit such person or persons to the gaol of his county, in order that he may have such person or persons forthcoming at the day appointed for trial, and it shall be the duty of such officer to produce his prisoner at such trial; and all warrants, whether by summons, arrest

Persons refus-
ing to give
bond, to be
committed to
gaol.

1794.

Time and notice of trial, &c.

arrest or attachment, shall be heard and determined on the day appointed by the officer serving the warrant as aforesaid; which day shall be on or before the return day set forth in the warrant, unless the Justice shall for good reasons put off the trial to some other day, at his discretion. And in case the plaintiff shall fail to attend or prosecute his suit, on the day appointed as aforesaid, the defendant appearing shall be discharged. *Provided*, and it is hereby declared to be the duty of the officer serving a warrant, to notify the plaintiff of the time and place appointed to try and determine the cause. *Provided also*, That when the Sheriff, Constable or other officer shall have committed any defendant to gaol as aforesaid, it shall be the duty of such officer to give immediate notice thereof to some Justice in the county, and such Justice shall appoint a day for the trial; and notice of the time of such trial shall be given and served on the plaintiff by the officer who served the warrant.

Bail how to be taken and proceeded against

IV. *And be it further enacted*; That all bail taken according to the directions of this act, shall be liable to the recovery of the plaintiff; but the plaintiff, after final judgment, shall not take out execution against the bail, until an execution against the body of the defendant be first returned by the Sheriff, Constable or other officer, then the defendant is not found in his county, and not until a notice in writing issued against the bail by the Justice who has possession of the papers in the original suit, hath been made known to the bail; and after the return of such execution against the principal and notice against the bail, execution may issue against the principal and bail, or any of them, or any of their estates, unless the bail shall make it appear that the principal is dead, or that the judgment has been satisfied; or unless the bail shall surrender the principal at or before the return of such notice to the officer who served the notice; in which latter case the Justice shall commit the principal to the gaol of his county, until he shall satisfy the judgment and costs; and for serving such notice the officer shall be allowed four shillings.

Bail may surrender the principal.

V. *And be it further enacted by the authority aforesaid*, That such bail shall at any time before final judgment had against him, have full power and authority to arrest the body of his principal, and secure him until he shall have an opportunity of surrendering him in discharge of himself to the officer who made the arrest or served the notice; and such officer is hereby required to receive such surrender, and hold the body of the defendant in custody as if bail had never been given.

And whereas by neglect of Constables many warrants are not executed and returned in due time, to the great delay of justice:

Warrants when returnable.

VI. *Be it therefore enacted*, That in future all warrants shall be made returnable on or before thirty days from the date thereof (Sundays excepted) and not after; and it shall be the duty of the Sheriff, Constable or other officer to whom any warrant may be directed, to execute and return such warrant for trial on or before such day, if the person or persons therein named shall be found in his county.

Where attachment may be issued.

VII. *And be it further enacted*, That in causes where by this act a Justice of the Peace has jurisdiction, on complaint being made on oath by any person or persons, his or their agent, attorney or factor, that any person hath removed or is removing him or herself out of the county privately, or so absconds or conceals him or herself that the ordinary process of law cannot be served on such debtor; and if such plaintiff, his, her or their agent, attorney or factor, further maketh oath to the amount of his, her or their debt or demand, to the best of his, her or their knowledge and belief, it shall and may be lawful for any Justice of the Peace, and he is hereby empowered and required, to grant an attachment against the estate of such debtor, wherever the same may be found in his county, or in the hands of any person or persons indebted to, or having any of the effects of the defendant, or so much thereof as shall be of value sufficient to satisfy the debt or demand, and costs, of such complaint; which attachment shall be returnable before some Justice of the Peace on or before thirty days after the date thereof, to be proceeded on as hereafter directed. *Provided always*, That every such Justice, before granting such attachment, shall take bond with sufficient security of the party for whom the same shall be issued, his, her or their agent, attorney or factor, payable to the defendant, in double the sum for which the complaint shall be made, conditioned to satisfy all costs which shall be awarded to such defendant in case the plaintiff shall be cast, and also all damage which may be recovered against the plaintiff in any suit or suits which may be brought against him or her for wrongfully suing out such attachment; which bond, together with the affidavit of the party complaining, subscribed with his or her proper name, shall be filed by the Justice who shall try the cause, with the attachment and other papers relative thereto; and the proceedings thereon shall be had in a summary way, in the same manner as on warrants; and the defendant may replevin the property so attached, by giving bond and security to the officer serving such attachment, conditioned to appear before some Justice of the Peace, to abide by and perform the order or judgment that shall be made thereon.

Bond to be taken before attachment is granted.

Proceedings thereon, &c.

Proceedings against gaolers, &c.

VIII. *And be it further enacted*, That where the Sheriff, Constable or other officer shall serve an attachment in the hands of any person or persons supposed to be indebted to, or supposed to have any of the effects of the party or parties absconding or residing out of the state, he shall at the same time summon such person as garnishee,

1794-



shee, in writing, to appear before the Justice before whom the attachment shall be returned, then to answer on oath relative to what he or she is indebted to the defendant; and what effects of the defendant he or she hath in his or her hands, and had at the time of serving such attachment, and what effects or debts of the defendant there are in the hands of any other person, and what person, to his or their knowledge or belief: And where any attachment shall be served in the hands of any garnishee in manner aforesaid, it shall be lawful upon his, her or their appearance and examination, to enter up judgment and award execution against such garnishee, for all sums of money due to the defendant from him or her, and for all the effects or estate of any kind belonging to the defendant in his or her possession or custody, for the use of the plaintiff, or so much thereof as shall be sufficient to satisfy the debt and costs, and all charges incident to levying and securing the same; and all the goods and effects whatsoever in the hands of any garnishee or garnishees, belonging to any defendant, shall be liable to satisfy the plaintiff's judgment, and shall be delivered to the Sheriff or other officer serving the attachment: And when any garnishee summoned as aforesaid, shall not appear and discover on oath as by this act directed, it shall be lawful for the Justice to issue a notice in writing for the said garnishee to appear at such place and on such day as he may appoint, to shew cause why judgment shall not be entered and execution awarded against him; which notice shall be served by the Sheriff, Constable or other officer, and upon such notice being duly executed and returned, if the garnishee shall fail to appear and discover upon oath in manner aforesaid, the Justice shall give judgment against such garnishee for the plaintiff's full demand, with costs, and award execution accordingly.

IX. *And he it further enacted*, That where any property attached as aforesaid, shall be claimed by any other person or persons, and to determine the right the intervention of a jury may be necessary, the party claiming such property may appeal to the next county court, where such right upon an issue joined, shall be tried by a jury of good and lawful men; the party claiming first giving bond with sufficient security, to pay all costs and charges, in case he, she or they shall fail to prosecute the said suit with effect; and the verdict of the jury in such case shall be conclusive as to the parties then in court, and the court shall give judgment accordingly.

Proceedings where property attached is claimed.

X. *And be it further enacted*, That when any garnishee shall on his or her garnishment, deny that he or she has in his or her possession any property of the defendant, and the party plaintiff in such attachment, shall on affidavit suggest to the Justice, that such garnishee owes to, or has property in his or her hands belonging to the defendant, or when any garnishee shall on his or her garnishment, make such a statement of facts that the Justice before whom such garnishment shall be made, cannot proceed to give judgment thereon, then and in either of these cases, the Justice shall return the attachment and other papers to the next county court to be held for his county, and the court shall order an issue or issues to be made up and tried by a jury, and the court shall give judgment on the verdict of the jury as in other cases.

Disputed garnishments to be returned to court.

XI. *Be it further enacted by the authority aforesaid*, That when any goods or other estate shall be attached by virtue of any attachment issued agreeably to the directions of this act, it shall and may be lawful for the defendant or defendants, his, her or their attorney, agent or factor, to replevy the same, by giving bond with sufficient security to the Sheriff, Constable or other officer, serving such attachment; which said bond the Sheriff, Constable or other officer is hereby empowered and required to take, to appear before the Justice to whom such attachment is returnable, and to abide by, perform and satisfy the order and judgment of such Justice: And when the estate attached, shall by three freeholders of the county, to be summoned by the Sheriff, Constable or other officer for that purpose, be certified on oath to be perishable, and the person or persons to whom it belongs, his, her or their attorney, agent or factor, shall not within thirty days after the serving such attachment, replevy the same, then such estate shall be sold at public vendue by the Sheriff, Constable or other officer; he having first advertised such sale at the court-house, and other public places in his county, at least ten days before the sale: And the money arising from such sale, shall be liable to the judgment obtained upon such attachment, and shall be retained and kept by the officer to wait the event of such judgment.

Goods attached, may be replevied.

When perishable to be sold.

And whereas it often happens, that garnishees declare that they have in their hands property of the defendant or defendants of a specific nature, which renders it necessary that provision should be made for ascertaining the value of such specific property, so as to enable the party plaintiff where he shall have his recovery, to sue out execution for the same: For remedy whereof,

XII. *Be it enacted*, That from and after the passing of this act, whenever any garnishee shall on oath confess, that he or she has in his or her hands any property of the defendant of a specific nature, or is indebted to such defendant by any security or assumption for the payment or delivery of tobacco or other specific article, then in either of those cases, the Justice before whom such garnishment shall be made, shall immediately order three freeholders to be sworn to enquire of the value of such specific property, and their verdict shall subject such garnishee to the payment of such valuation,

Proceedings where garnishee has specific property.

1794-

or so much thereof as shall be sufficient to satisfy the debt and costs of the party at whose instance such garnishee shall have been summoned. *Provided always*, That such garnishee who may on oath confess, that he or she has in his or her hands any specific property of the defendant, as left or deposited in his or her possession by such defendant, may always exonerate him or herself by delivering such property to the Sheriff, Constable or other officer who levied such attachment or may levy the execution issued thereon. *Provided always*, That when judgment shall be entered up against any garnishee, declaring as aforesaid, he shall on giving security if required, have the same stay of execution as such garnishee would have been entitled to, had he been original defendant in the suit.

Stay on attachment.

XIII. *And be it further enacted*, That in all suits commenced by attachment as in this act directed, which shall be returnable before a Justice of the Peace, the Justice to whom such attachment shall be returned, shall stay all proceedings thereon for the space of thirty days, unless the defendant to such suit by attachment, his agent or attorney, shall replevy the goods, chattels or property so attached.

And whereas by the present mode of proceeding on attachment, the person or persons who enter themselves as special bail on replevying the property, become special bail to answer the whole demand of the plaintiff:

Bail on replevying liable only for the property they hold, &c.

XIV. *Be it therefore enacted*, That the person or persons entering themselves as special bail on replying property attached, shall only be held liable to answer the value of the property which he, she or they as aforesaid do respectively hold or have returned in the garnishment, and no more; but the security replevying, shall not avail themselves of paying the value of the property so replevied, unless such security shall on the return of such attachment to the justice, require that such value should be ascertained by an enquiry; which enquiry the Justice shall have executed on request as aforesaid, by three freeholders by him summoned to assess and value such property on oath, notice being given to the plaintiff in attachment, his agent or attorney, at least five days before such enquiry shall be executed.

Justice to advertise when persons reside out of county

XV. *And be it further enacted*, That when any attachment issued agreeably to this act, shall be returned to any Justice of this state as levied on the goods and chattels, lands and tenements of any person or persons residing without the county in which such attachment issued, it shall be the duty of the Justice to direct advertisements of the same for the space of thirty days.

Process not to be set aside for want of form.

XVI. *And be it further enacted*, That no attachment warrant, or other process issued by a Justice of the Peace, shall be set aside for the want of form, if the essential matters required are set forth in such process.

Security on appeals how taken, &c.

XVII. *And be it further enacted*, That in all cases where appeals shall be granted from the judgment of a Justice, the acknowledgment of the security, and subscribed with his or her proper hand-writing, attested by the Justice, shall be sufficient to bind the security to abide by and perform the judgment of the court; and where judgment shall be against the appellant, the same shall be entered on motion against the security, and execution shall issue against the principal, or against both principal and security, at the option of the plaintiff. And whereas, in many instances, plaintiffs appeal for the purpose of harrassing and injuring the defendant by accumulating costs and charges: For remedy whereof, in all cases of appeals by the plaintiff, such appeal shall be at the costs of the plaintiff, unless the court, on the trial, shall be of opinion that there was sufficient cause for such appeal, and in such case the plaintiff shall recover his costs on motion.

Costs on appeals.

Justice to return appeals to court, and issue subpoenas for witnesses.

XVIII. *And be it further enacted*, That when any Justice of the Peace shall grant an appeal to the county court, it shall be the duty of such Justice to return such appeal on or before the second day of the court to which it may be returnable; and he is hereby authorized and required, on application of either of the parties, to issue subpoenas, directed to the Sheriff, or other lawful officer, in any county in this state, for witnesses to appear and give testimony at the court to which such appeal is returnable; and the officer to whom such subpoena shall be directed, and the witnesses summoned in consequence thereof, shall be under the same rules and regulations, and subject to the same penalties, and entitled to the same pay, privileges and emoluments as if such subpoena had issued from the Clerk of the court to which such appeal shall be returnable.

And whereas lands are often sold in consequence of judgments given by a Justice of the Peace, therefore it becomes necessary that a record of such judgment should be made in some proper office, so that it may appear of record in future by what authority such lands and tenements were sold and conveyed: Therefore,

Executions how to be issued, returned, &c.

XIX. *Be it enacted*, That executions issued by a Justice of the Peace against the estate of any person or persons, shall be directed to the Sheriff, Constable or other lawful officer, commanding him, that of the goods and chattels of the party cast, he make such sum or sums of money therein mentioned, or for want of such goods and chattels to satisfy said execution, then he levy on the lands and tenements of such person or persons, and make return thereof to the Justice who issued the same, setting forth on the execution the money he has made of the goods and chattels, and what lands and tenements he

has

1794.

has levied on, where situate, on what water-course, and whose lands it is adjoining; and the Justice to whom the return is made, shall return such execution, with all other papers on which the judgment was given, to the next court to be held for his county; which land shall by order of said court, be sold by the Sheriff of the said county, or so much thereof as may be sufficient to satisfy such judgment, in the same manner as real property is sold by writs of *Fieri Facias* or *Venditioni Exponas* issuing from such court; and the Clerk of the court where such papers are returned, shall in a well bound book kept for that purpose, record the whole of the papers and proceedings had before the Justice; for which he shall be allowed the same fee as for entering a judgment in any other suit.

XX. *And be it further enacted by the authority aforesaid,* That when any execution shall issue to a Sheriff, Constable or other officer, in virtue of a judgment obtained before any Justice of the Peace, and the person or persons against whom such judgment may be obtained shall remove him or themselves to any other county within this state, and the Sheriff or other officer cannot find any property whereon to levy said execution, then and in such case, the said Sheriff or other officer shall return such execution to the next court to be held for said county, and the plaintiff on application shall be entitled to an execution for the whole or any part of said execution which remains unpaid by the return of such officer; and the Clerk by order of said court shall make a record of the same, and issue execution to the county where the defendant or defendants reside, in the same manner and under the same rules as in cases of judgments obtained in said courts.

Executions against persons removing out of the county, how proceeded on, &c.

XXI. *And be it further enacted,* That any Justice of the Peace is hereby authorized and required, on application of either plaintiff or defendant named in any original process issued by a single Justice, to direct the Sheriff, Constable or other lawful officer, by an order in writing on the process, to summon witnesses to appear and give testimony in such suit at the time and place appointed for trial; and such witnesses failing to appear and give evidence, shall forfeit and pay the sum of two pounds current money to the party at whose instance he was summoned, and further be liable to the action of the party aggrieved, for damage sustained for his non-attendance; which fine shall be recovered before any Justice of the Peace, unless such witness, on affidavit or otherwise, shall shew sufficient cause to the contrary, subject nevertheless to an appeal to the county court as in other cases.

Witnesses to be summoned, &c.

XXII. *And be it further enacted by the authority aforesaid,* That the Sheriff, Constable or other officer serving any warrant, shall be entitled to the following and no other or greater fees for his services, *to wit,* For serving every warrant, for each person named therein, four shillings; summoning every witness, two shillings; for every execution, four shillings; for every attachment levied, five shillings; for every bail bond, one shilling.

Fees for serving a warrant, &c.

XXIII. *And be it further enacted,* That all and every act, parts and clauses of acts, which are contrary to the meaning, and come within the purview of this act, be and the same are hereby repealed and made void. *Provided always,* That this act shall not begin to operate, or be in force, until from and after the first day of August next.

Former acts repealed. This act when in effect.

C H A P. XIV.

An Act to explain and supply the deficiencies of certain acts of Assembly respecting sales made by executors and administrators:

WHEREAS doubts have been suggested respecting the operation of certain acts of Assembly, authorising and directing the sale of personal or perishable estate, by executors or administrators: For remedy whereof,

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That the meaning and operation of the said acts are, that when the estate of any person deceased, shall be so far indebted as that the debts cannot be discharged by the monies on hand at the death of the testator, or when sale shall be deemed necessary for a just and proper distribution or division of such personal estate, that then it is and shall be the duty of every executor or executrix, administrator or administratrix, to sell and dispose of the goods and chattels of his or her testator or testatrix, or intestate, first obtaining an order of the court of the county for that purpose, for the most that may be gotten for the same, by public sale, having first advertised the same at the court-house and four other public places within the county, at least twenty days before the sale; and shall for enhancing the price thereof, give not less than six months credit, upon bond and security given; and that such executor or executrix, administrator or administratrix, shall after the time of such payment is paid, take and pursue all lawful ways and means to recover and receive the money so due as aforesaid, or otherwise shall be chargeable and answerable for the same; and that such monies when received, shall be liable to the satisfaction of judgments previously obtained and entered up as a judgment when assets should come to the hands of the executor or administrator.

Duty of executors, &c.

II. *And be it further enacted,* That nothing in this act shall be construed to affect the powers

powers

1794.

Executor not discharged of debt due to testator.

powers, trusts or authorities of an executor or executrix derived from the will of his or her testator or testatrix.

III. *And be it further enacted by the authority aforesaid,* That the naming or appointing any person executor, shall not be considered as a discharge of any debt or demand due from the person so named as executor to the testator.

C H A P. XV.

An Act the more effectually to secure the payment of the tax on lands, and to prescribe the duty of the County Courts in certain cases.

WHEREAS by the present mode of giving in the list of taxables, the payment of the land tax may be evaded: For remedy whereof,

Lists of lands how to be given in.

I. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, all owners of lands lying within this state, shall by themselves, their agents or attorneys, give in lists of the same in the several counties respectively in which the said lands are situated, and the taxes upon the same shall be collected by the Tax-gatherers, and accounted for in the same manner as directed in other cases.

Town-lots.

II. *And be it further enacted,* That the owners of all town-lots within this state, shall by themselves, their agents or attorneys, give in a list of the same, designating their numbers in the town or counties respectively in which the same are situated, and the taxes on the same shall be collected in the same manner with other town property.

Proceedings on neglect.

III. *And be it further enacted,* That if any owner of land lying within this state, or any owner of town property within this state, shall fail, by himself, agent or attorney, to give in a list of the same in the counties in which the said lands or town lots are situated, the Sheriff of the said counties in which the same are respectively situated, shall advertise the said lands or town property, at three of the most public places within the county, and at the court-house of the district wherein the lands are situated, and also in the gazette of the state, the printer of which is hereby required to publish the same; and if no person pays the tax on the same, shall, sixty days after such advertisement, sell the said lands or town-lots, or so much thereof as may be necessary to pay the said tax with contingent charges.

Duty of county court respecting entry books, &c.

IV. *And be it further enacted,* That it shall be the special duty of the court of each county in this state, at the court which shall be held in their respective counties after the first day of April next, to call on all former Entry-takers who have held that office since the year one thousand seven hundred and seventy-seven, and have vacated their offices by resignation or otherwise, and who still retain in their possession the entry-books and papers by them kept; as also all heirs and representatives of any Entry-taker who may have died, who may have in their hands the books of any such Entry-taker, to surrender to said court all such books and papers; and said court shall proceed to examine all such papers when so delivered to them, and shall make thereon such remarks as shall to them be deemed needful, and the said books and papers when so examined, shall be deposited in the hands of the present Entry-takers, whose duty it shall be to safely keep the same, subject nevertheless to the perusal of any person who may wish to examine the same on paying the fees allowed by law.

Penalty on persons refusing to deliver up books, &c.

V. *And be it further enacted,* That if any person having in his or their hands, any such books and papers, and shall refuse to surrender up the same when called upon as by this act directed, shall forfeit and pay the sum of one thousand pounds, to be recovered by any person prosecuting for the same in any court having jurisdiction thereof, and shall be applied to the use of the state.

C H A P. XVI.

An Act making provision for the redemption of the certificate debt of the state.

Entries of lands how to be paid, &c.

I. **B**E it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, all lands entered in this state, shall be paid for at the rate of fifty shillings per hundred acres. And it shall and may be lawful for any person making entry of vacant lands in this state hereafter, to pay to the officer appointed by law, the purchase money thereof, either in cash or in certificates, at his option, calculating both the principal and interest of the certificates up to the date of the entry. *Provided,* That the certificates issued at Warrenton, in one thousand seven hundred and eighty-six; those issued by Patrick Travers, Commissioner of Cumberland county; and those commonly called Western or Chickamauga certificates, shall not be received in payment for any entries made in pursuance of this act.

And to the end the amount of the outstanding certificate debt may be ascertained, and the state thereby enabled to make provision commensurate to its redemption.

Certificates to be registered, &c.

II. *Be it further enacted by the authority aforesaid,* That all persons holding certificates of the debt of North-Carolina, shall, on or before the first day of December next, present them at the Comptroller's office, and cause them to be registered: which the Comptroller is hereby directed to do in a book to be purchased and kept for that purpose;

1794.

pose; and for such his services he shall be allowed by the next Assembly, it being out of the ordinary line of his duty. And that all acts and part of acts coming within the meaning and purview of this act, are hereby repealed and made void.

C H A P. XVII.

An Act to prevent the issuing of grants for lands entered with any of the Entry-takers in this state, in certain cases.

WHEREAS it is represented to this General Assembly that great quantities of land have been entered with the different Entry-takers within this state, and the purchase money thereof not previously paid, which conduct is not warranted by law:

I. *Be it therefore enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That the Secretary of State is hereby directed not to issue any grants for land entered with any of the Entry-takers in this state, subsequent to the first day of January, in the year one thousand seven hundred and ninety-four, until the person claiming such land as aforesaid shall produce to the Secretary a certificate from the Comptroller, certifying that a return from the Entry-taker of the county where the lands ly, hath been made in his office; also the number of the entry and the amount thereof; and shall further produce to the Secretary a receipt from the Treasurer, certifying that the purchase money for such land hath been fully accounted for and paid by the Entry-taker aforesaid, any thing to the contrary notwithstanding. *Provided always,* That nothing herein contained shall be construed to prevent any person who hath bona fide paid to the Entry-taker the purchase money for his land, from obtaining a title thereto. And the evidence of this payment shall be the receipt of the Entry-taker, and the affidavit of the enterer or grantee, or his assigns, that he hath paid or caused to be paid to the Entry-taker in whose office the entry was made, the whole amount of the money due for such land so entered; which receipt and affidavit shall be filed in the Secretary's office.

Duty of Secretary in issuing grants, &c.

And whereas it frequently happens that the purchase money for lands, after being paid to the Entry-taker, is not accounted for by him to the Public Treasurer:

II. *Be it also enacted,* That it shall not hereafter be lawful for any Entry-taker to receive from the person entering land in his office, more than his own fees; but it shall in all instances be the duty of the person entering, to pay the purchase money to the Treasurer and take his receipt for the same, previous to the warrant's issuing upon such entry; and the Secretary of State is hereby directed not to issue any grant for lands upon entries hereafter to be made, until the party applying for the same shall produce to him a certificate from the Comptroller that such payment hath been made.

Entry-taker to take his fees only, and money to be paid Treasurer before the grant issues.

III. *And be it further enacted,* That in no entry made of land within the present bounds of this state, shall the warrant be removed or laid on other lands than those specially located and described in the first instance upon the Entry-taker's books, except in the same county in which the entries were originally made.

Warrants not to be removed out of the county.

IV. *And be it further enacted,* That all acts, sections and clauses of acts, coming within the purview and meaning of this act, be and the same are hereby repealed and made void.

Former acts repealed.

V. *And be it further enacted,* That the Comptroller be and he is hereby authorized and required to issue warrants on the entries made in the late entry-office of John Armstrong, in all cases where warrants have not heretofore issued, and in which the purchase money or certificates have been paid.

Warrants for entries in Armstrong's office how to be issued.

C H A P. XVIII.

An Act to prevent any Justice of the Peace from voting in his own election to the office of Clerk of the County Court, Register, Entry-taker, Surveyor, County Trustee or Ranger.

I. **B**E it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act it shall not be lawful for any Justice of the Peace, being a candidate for the office of a County Court Clerk, Register, Entry-taker, Surveyor, County Trustee or Ranger, of his own county, to vote or sit on the bench at the election; and if any Justice of the Peace shall hereafter presume to sit on the bench or vote in such election, his vote shall not be counted, and he shall forfeit and pay for every such offence the sum of fifty pounds, to be recovered by action of debt, one half to the person suing for the same, and the other half to the use of the county; any law, usage or custom to the contrary notwithstanding.

Justice not to vote on his own election, &c.

C H A P. XIX.

An Act to amend the act approbating the new Great Seal of the state, passed at Fayetteville the last annual session.

WHEREAS a proper screw has not yet been procured to make impressions with the new Great Seal:

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That all grants, commissions, proclamations and

B 1794

other

1794.

Impressions
with old seal
authenticated,
&c.

other public acts which have been attested and authenticated with the old Seal, since the time prescribed in the said act for the use of the new Great Seal, or which may be so attested and authenticated, shall be good and valid in law to all intents and purposes. And the Governor is hereby authorized to continue the use of the old Seal until he shall be able to procure a screw to make impressions with the new one.

And whereas the said act directs that the new Great Seal of the state shall be deposited in the Secretary's office, which is contrary to a provision in the constitution:

Former act re-
pealed.

II. *Be it enacted*, That so much of the said act as directs the said Seal to be deposited in the Secretary's office, be and the same is hereby repealed and made void.

C H A P. XX.

An Act to amend an act, entitled "An act to carry into effect the Ordinance of the Convention held at Hillsborough, in July, one thousand seven hundred and eighty-eight, entitled An Ordinance for establishing a place for holding the future meetings of the General Assembly, and the place of residence of the chief officers of the state."

WHEREAS the said act requires a majority of the Commissioners appointed under the said act, to sell and dispose of the lots in said town and execute deeds for the same, which number cannot conveniently attend:

Three Com-
missioners em-
powered to
sell lots, &c.

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, That any three of the said Commissioners shall be competent, and have full power to sell and dispose of the lots which remain unsold, and also to execute deeds for the same to the purchaser or purchasers; and to do and perform all acts and things respecting the sale and conveyance of said lots, which a majority of said Commissioners could or might do.

C H A P. XXI.

An Act to empower the several County Courts in this state to establish Fairs therein.

WHEREAS frequent applications from particular counties are made to the Legislature to establish fairs therein, thereby producing a delay of public business, when they might as well be established by the county courts:

County courts
may appoint
fairs, &c.

I. *Be it therefore enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, it shall and may be lawful for the several county courts in this state, to appoint a fair or fairs in their respective counties, at such place or places as they may judge most proper for the convenience of the inhabitants, so as to afford an opportunity and give encouragement to industry, by collecting the inhabitants for the purpose of exchanging, bartering and selling of all such articles as they may wish or be necessitated to dispose of.

Commission-
ers to regulate
the same, &c.

II. *And be it further enacted*, That when any of the said courts may think proper to establish a fair, they shall nominate and appoint Commissioners to regulate and conduct the same, by drawing up and forming a system of bye-laws for the government thereof, to be approved of by said court and entered of record; which rules so formed as aforesaid, shall be considered as valid and as effectual as if they had been expressed by an act of Assembly for that special purpose. *Provided nevertheless*, That said rules shall not be contrary or inconsistent with the law of the land.

Inhabitants to
have liberty of
the same.

III. *And be it further enacted*, That the inhabitants of every county wherein any fairs shall be so established, shall have free liberty and power to attend the same, dispose, exchange or barter any article or articles whatsoever therein, without any restraint or distinction whatever, subject nevertheless to such rules as the Commissioners aforesaid or a majority of them, shall or may form for the regulation thereof.

Majority of
Justices neces-
sary.

IV. *And be further enacted*, That a majority of the acting Justices shall in all cases be present when any order or decree of the court is passed for establishing such fair or fairs; and that no less number than a majority shall have such power and authority as aforesaid; and a majority of the Commissioners who may be appointed to regulate the same, shall in all cases be a quorum sufficient to transact any business relative thereto.

C H A P. XXII.

An Act to explain and amend an act, entitled "An act to empower the County Surveyors to make surveys and returns in the manner therein mentioned."

I. BE it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That all the lands in this state lying to the eastward of the line of the Ceded Territory, shall be deemed and considered as coming within the meaning and purview of the said act.

C H A P. XXIII.

An Act to alter and amend part of an act, passed at Newbern in the year one thousand seven hundred and seventy-seven, entitled "An act for establishing Courts of Law, and regulating the proceedings therein."

WHEREAS it is provided by the sixty-sixth clause of the said act, that the vacancy of the County Clerk shall be filled by the court of pleas and quarter-sessions, where

1794

where such vacancy happens, a method subject to abuse, inasmuch as the power may be exercised by a very small number of the Justices: For remedy whereof,

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, when any vacancy shall happen in the office of Clerk of the county, a majority of the Justices of the court of pleas and quarter-sessions of the county where such vacancy shall be, shall appoint a person of skill and probity to fill such vacancy; and all Clerks of the said courts shall hold their offices during good behaviour. Majority of Justices to appoint a Clerk, &c.

II. *And be it further enacted,* That so much of the before recited clause as comes within the meaning and purview of this act, be and the same is hereby repealed and made void.

C H A P. XXIV.

An Act to amend an act, entitled "An act to amend such parts of the act, entitled An act for establishing courts of law, and for regulating the proceedings therein, as may relate to proceedings on attachments; and for amending an act for making process in equity effectual against persons who abscond, and who reside without the limits of the state, and for better regulating the proceedings in the court of equity."

WHEREAS by the above recited act many garnishees as well on original as judicial attachments, are made liable to pay money, when in fact their contract or assumption was only for the payment or delivery of specific articles:

I. *Be it therefore enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That when any person summoned as a garnishee, shall upon his or her garnishment, state that he or she is indebted to the defendant by specialty or assumption for the payment or delivery of any specific article, that he hath tendered the same agreeable to contract, and that it was refused by the defendant; or that he then was and had always been ready to deliver the same, or that he had such specific article at the time and place specified in such covenant or agreement ready to be delivered, and that he was still ready to deliver the same; and when such garnishment shall be admitted by the plaintiff, or found by a Jury, then in any of the said cases such garnishee shall and may be exonerated by the delivery of such specific article or articles to the Sheriff who levied the attachment, who shall proceed as if the attachment had been originally levied on such article or articles. Garnishments for specific articles due, how to be proceeded on.

II. *And be it further enacted by the authority aforesaid,* That when any garnishee shall declare on his garnishment, that the money or specific article due by him or her will become payable or deliverable at a future day, and the same shall be admitted by the plaintiff or found by the Jury, then and in such case conditional judgment shall be entered against such garnishee, and the plaintiff may proceed to ascertain his demand by judgment against the defendant, but shall not take final judgment against such garnishee without notice by *scire facias*, on which the plaintiff may proceed as in other cases; and that so much of the before mentioned act and all other acts and parts of acts that come within the purview and meaning of this act, are hereby repealed and made void. And when due at a future day.

C H A P. XXV.

An Act to repeal the third section of an act, passed at Fayetteville, in the year one thousand seven hundred and ninety, entitled "An act to repeal all acts, clauses and parts of acts of the General Assembly of this state as relate to classing of tobacco."

WHEREAS the said third section of the above recited act is found by experience to be injurious and oppressive to many of the good planters of this state, and not to answer the good intentions of the said law: For remedy whereof,

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the first day of July next, the above recited third section be and the same is hereby repealed and made void. Section of a law repealed. *Provided nevertheless,* That the proprietors of such condemned tobacco shall have the privilege of letting said tobacco remain in the ware-house six months after the inspection thereof, and shall be entitled to have such tobacco re-inspected if he thinks proper.

II. *And be it further enacted,* That all tobacco that is found not fit for exportation, shall be consumed by fire.

C H A P. XXVI.

An Act to ascertain the Pilotage which shall be allowed the Pilots at Occacock-Inlet, and the several sounds and rivers to which vessels go which come in over said inlet.

WHEREAS the fees heretofore allowed to pilots at Occacock-Inlet, is found inadequate to their trouble and risk:

I. *Be it therefore enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, all pilots legally authorized to take charge of vessels to bring in over Occacock-Bar, or up to either of the ports of Newbern, Washington, Edenton or Camden, shall be entitled to demand and receive from the commander of such vessel the Rates of pilotage. Rates of pilotage.

1794.

may have had charge of, the following pilotage, *to wit*, For every vessel or vessels drawing any draft of water under eight feet, from the out side of the Bar into Beacon-Island Road or Wallace's Channel, at the option of the commander, five silver dollars; and for every ship or vessel that draws eight feet water or more, and under twelve feet, five-eighths of a dollar per foot; and for every ship or vessel drawing twelve feet water or more, one dollar per foot; and the same fees out over the bar as in; and for every ship or vessel over either of the Swathes, two dollars; and for every ship or vessel from the mouth of the Swath to either of the ports of Newbern or Washington, drawing any draft of water, one dollar per foot; and for every ship or vessel from the mouth of the Swath to the port of Edenton, twelve dollars, and to the port of Camden, ten dollars; and the same allowance down as up.

Branch-pilot to be paid if he boards a vessel tho' the master should refuse to take a pilot.

II. *And be it further enacted*, That if a branch-pilot shall go off to any vessel bound in, and offer to pilot her in over the bar, the master or commander of such vessel, if he refuses to take such pilot, shall pay and satisfy to such pilot, if not previously furnished with one, the same sum as is allowed by law for conducting such vessel in, provided his vessel shall be above forty tons burthen.

Former act repealed.

III. *And be it further enacted*, That so much of an act of Assembly passed at Hillsborough, in April, one thousand seven hundred and eighty-four, as comes within the purview of this act, is hereby repealed and made void.

C H A P. XXVII.

An Act to annex part of the county of Mecklenburg to the county of Cabarrus.

WHEREAS it is represented by petition to this General Assembly; that it will be more convenient, and greatly contribute to the satisfaction of a number of the present inhabitants of the county of Mecklenburg to be added to the county of Cabarrus:

Dividing line.

I. *Be it therefore enacted by the General Assembly of the State of North-Carolina; and it is hereby enacted by the authority of the same*, That all that part of the county of Mecklenburg, which shall or may be included by a line beginning at Pickens's Ford on Clark's creek, running such a course and direction as to include the following persons, and the land whereon they live, *to wit*, John Wilson, Robert Hope, Zaccheus Wilson, John Sloan, Nathaniel Giles, and Doctor Charles Harris, from thence to the north-east corner of Adam Meek's dwelling-house on the Cabarrus line, so as to include the said Adam Meek in Mecklenburg county, shall be added to the county of Cabarrus in as full and ample a manner as if the same had been included at the time of the division. *Provided nevertheless*, That nothing contained in this act shall be so construed as to prevent the Sheriff of the said county of Mecklenburg from collecting any public tax or other arrearages due at the time of this addition.

C H A P. XXVIII.

An Act to annex part of the county of Rutherford to Buncombe.

Dividing line.

I. **B**E it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same; That from and after the passing of this act, all that part of the county of Rutherford, west of a line beginning at the Sugar-Loaf Mountain; from thence a direct line to the Hungary Mountain, and along said Mountain to Green-River, crossing the same; and from thence a direct line to the South-Carolina boundary, and all that part lying to the west of the line aforesaid, shall be annexed to, and considered a part of the county of Buncombe: *Provided*, That nothing in this act shall be understood to prevent the Sheriff of the county of Rutherford from collecting all public taxes now due in that part of the said county, which comes within the description of this act, any thing to the contrary notwithstanding.

C H A P. XXIX.

An Act to amend an act, entitled "An act for regulating Ordinaries, Houses of Entertainment and Ferries and other purposes," passed at Halifax, in the year one thousand seven hundred and seventy-nine:

WHEREAS the sums which by the before recited act, ordinary-keepers are limited to in selling drink by small measure on credit, are by the depreciation of the money at the time of passing said act, so small as to render the law in that respect in many cases injurious and oppressive in its operation: For remedy whereof,

I. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, the tenth section of the before recited act be and the same is hereby repealed and made void.

II. *And be it further enacted by the authority aforesaid*, That no ordinary-keeper shall sell drink by small measure upon credit to any person whatsoever to a greater amount than five pounds, unless the person so credited shall sign a book in the presence of one or more sufficient witnesses or witnesses in acknowledgment of the said debt, under the penalty of losing the money so credited; and in any action brought for recovery of such debt, the general issue may be pleaded, and this act given in evidence.

1794

C H A P. XXX.

An Act to repeal part of an act, entitled "An act to prescribe the mode of paying the militia officers and soldiers for their services on an expedition carried on against the Chicamauga Indians by Brigadier-General Joseph Martin, in the year one thousand seven hundred and eighty-eight," passed at Fayetteville in the year one thousand seven hundred and eighty-nine; and all acts, parts or clauses thereof that has or does empower and authorise the Comptroller to issue certificates for services on any expedition against said tribe of Indians.

- I. **B**E it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing this act, all and every part or parts of the before recited act, or of any other act or acts, or clauses thereof, that has heretofore extended, or does now extend to authorise and empower the Comptroller to issue certificates for services performed on any expedition against the Chicamauga Indians, be and they are hereby repealed and made void; any law, usage or custom to the contrary notwithstanding.

C H A P. XXXI.

An Act to erect the militia of Morgan district into a separate division.

- I. **B**E it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the militia of the counties composing Morgan district, shall be arranged into two brigades, that is to say, the counties of Burke, Wilkes and Buncomb, shall compose the ninth brigade; and the counties of Lincoln and Rutherford, shall compose the tenth brigade: which two brigades shall be stiled the fifth division of the militia of this state; and the said division and brigade shall be officered in the same manner, and subject to the same rules and regulations as are or shall be prescribed for the general discipline of the militia.

C H A P. XXXII.

An Act to establish two places in Halifax county for the purpose of holding general musters.

WHEREAS by an act of the General Assembly held at Fayetteville, in the year one thousand seven hundred and ninety-three, the county of Halifax is entitled to two regiments, and the great extent of said county makes it inconvenient for the good citizens thereof to attend at one place for the purpose of mustering:

I. *Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, that the companies in Halifax county forming the upper regiment, shall hold their regimental musters at or convenient to a spring on the road from Halifax town to Warrenton, at the plantation where Gideon Harris deceased resided; and the companies in said county forming the lower regiment, shall hold their regimental musters at the cross road near Henry Dawson's new house.*

II. *And be it further enacted by the authority aforesaid, That the Colonel or commanding officer in each of the aforesaid regiments, is hereby directed and required to have the inhabitants of said county warned to attend accounted as usual at the two aforesaid places respectively.*

III. *And be it further enacted by the authority aforesaid, That the place for holding court-martials for the aforesaid regiments, shall be at the house formerly Gideon Harris's deceased for the upper regiment, and at the aforesaid new house of Henry Dawson for the lower regiment; and delinquents shall appear for trial. Provided always, That when a review shall be ordered of the said militia, they shall meet at the town of Halifax for that purpose as heretofore: And provided also, That such review shall not take place more than once in two years.*

C H A P. XXXIII.

An Act to prevent Gaming-Tables in the neighbourhood of the university of North-Carolina.

WHEREAS there is reason to believe that billiard-tables, or some other tables or devices for the purpose of playing at games of hazard, near the University of this state, would greatly tend to create idleness and dissipation among the students:

I. *Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That no person shall set up or shall keep up any billiard-table, or any other table or device for playing at any game of hazard, within five miles of the said university; and if any person or persons shall set up any such gaming-table, or having set up the same shall continue it after the first day of May next, he or they so offending shall forfeit and pay the sum of fifty pounds, to be recovered in any court having cognizance of the same, one half for the use of the informer and the other half for the benefit of the state.*

C H A P. XXXIV.

An Act to explain an act to amend an act, entitled "An act to keep open Roanske river for the passage of fish up the same, and other purposes therein mentioned," and to repeal part of said act.

WHEREAS doubts have arisen how the said act extended, and some persons have proceeded to take up the still water below the falls to the great injury of many of the neighbouring inhabitants:

I. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the said act was not extended, and shall not be construed to prevent any person or persons from fishing with nets or hooks in the deep water either above or below the falls.*

II. *And be it further enacted, That the third section of the said act is hereby repealed and made void.*

C H A P. XXXV.

An Act to empower the county court of Surry to lay a further tax, if they deem it necessary, to reimburse the Commissioners with the money by them expended in erecting the public buildings in said county; and to appoint other Commissioners in addition to those heretofore appointed, to dispose of the lots in the town of Rockford in the county of Surry.

I. **B**E it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the county court of Surry, consisting of two-thirds of the Justices of said county being present, are hereby authorised and empowered, whenever they deem it necessary, to lay a tax in said county not exceeding one shilling on each poll, one shilling on every hundred pounds value of town-lots and their improvements, and one shilling on every three hundred acres of land, for the purpose of reimbursing the Commissioners for carrying on the public buildings of said county: Which tax, when laid, shall by the Sheriff of said county be collected in his first collection of public taxes that may happen thereafter,

under

under the same rules, regulations and restrictions as all other taxes of the like nature in this state are collected, and by him paid accordingly into the hands of said Commissioners for the purposes aforesaid. *Provided*, That if the said tax, when laid and collected, shall be more than sufficient to satisfy the said Commissioners of all those monies by them expended, upon a fair settlement made with the said court, the overplus thereof shall, by the said Commissioners, be paid into the hands of the Trustees for the use of discharging the contingencies of said county.

II. *And be it further enacted*, That Joseph Williams, Joshua Freeman, Thomas Burch and William Meredith, Esquires, be and they are hereby appointed Commissioners, in addition to those appointed by an act of Assembly passed at Fayetteville, in the year one thousand seven hundred and ninety, for the purpose of selling and disposing of the lots in the town of Rockford in the said county of Surry; who shall have and possess all the powers and authorities with those appointed by the before recited act, in as full and ample a manner as if they had been named therein; who are further required by this act to carry the purposes therein specified into full effect.

C H A P. XXXVI.

An Act to authorise Robert West, administrator of George Lockhart, deceased, late Sheriff of the county of Bertie, to collect the public county and parish taxes for the year one thousand seven hundred and eighty-nine, from such of the inhabitants of the said county as have not already paid the same.

WHEREAS it is represented to this General Assembly, that many of the inhabitants of Bertie county, have not yet paid the above mentioned taxes, and that the said George Lockhart and his representatives have already accounted for the same; and it is now doubtful whether those taxes can at this time be collected without the assistance of the Legislature:

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, That the said Robert West is hereby authorised and empowered to collect the public county and parish taxes for the year one thousand seven hundred and eighty-nine, from all such of the inhabitants of Bertie county as were liable to pay those taxes, and have not paid nor accounted for the same to the said George Lockhart in his life time, his deputies or collectors; nor to James Lockhart deceased, who was executor to the said George; nor to Robert West aforesaid as administrator to the said George.

II. *And be it further enacted*, That the said Robert West is also authorised and empowered to use the same means to compel a payment of such of the aforesaid taxes as are yet in arrear, which the said George Lockhart in his life-time, and during the continuance of his office as Sheriff could or might have used.

III. *And be it further enacted*, That when said West shall demand such taxes, it shall and may be lawful for the person or persons of whom the same is demanded to prove by his or their own oath or other testimony, that the same has been paid to some person legally authorised to receive the same.

C H A P. XXXVII.

An Act to alter the time of holding the county court of Glasgow.

WHEREAS the time of holding the county court of Glasgow is found to be inconvenient to persons who may have business in the superior court of Newbern district, and the county court of Craven:

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, That from and after the first day of May next, the county court of pleas and quarter sessions for the said county of Glasgow, shall be held annually at the court-house in Snowhill in the said county, on the third Mondays in January, April, July and October, and that all matters and things depending in the said court be adjourned thereto.

II. *And be it further enacted*, That all acts and parts of acts that come within the meaning and purview of this act, are hereby repealed and made void.

C H A P. XXXVIII.

An Act to empower the county court of Cabarrus to lay a further county tax.

WHEREAS the county tax hitherto laid has been found to be inadequate to the purposes intended thereby:

I. *Be it therefore enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, That the county court of Cabarrus shall have power, and are hereby required to lay a tax not exceeding one shilling on every poll, and four pence on every hundred acres of land, in addition to the county tax now laid to be collected and accounted for by the Sheriff, in the same manner, and under the same rules, regulations and restrictions as all other taxes are subject to, and to be applied to discharge the necessary contingencies of the county.

C H A P. XXXIX.

An Act to repeal the third and fourth sections of an act, entitled "An for opening and clearing the Yadkin and Pee Dee Rivers."

WHEREAS the before recited act has been disagreeable, and may prove injurious to many citizens of this state:

I. *Be it therefore enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, That from and after the passing of this act the third and fourth sections of the before recited act be and the same are hereby repealed and made void.

C H A P. XL.

An Act to enable William May, sen. late Sheriff of Anson county; and Lewis Dicken, executor of the last will of Benjamin Dicken, late Sheriff of Edgcomb county, deceased, to collect the arrearages of taxes due to said Sheriffs.

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, That William May, sen. late Sheriff of Anson county, shall be and is hereby vested with full power and authority to collect the arrears of taxes due to him as Sheriff for the years one thousand seven hundred and eighty nine, one thousand seven hundred and ninety, and one thousand seven hundred and ninety-one, in as full and ample manner as he possessed the same when Sheriff of said county. *Provided*, That this act shall cease to be in force from and after the first day of January next.

II. *And be it further enacted by the authority aforesaid*, That Lewis Dicken, executor of the last will and testament of Benjamin Dicken, late Sheriff of Edgcomb county, deceased, be and he is hereby authorised and empowered, in as full and ample a manner as his testator was empowered while Sheriff, to collect the arrears of taxes due in said county of Edgcomb for the years one thousand seven hundred and ninety-two, and one thousand seven hundred and ninety-three. *Provided*, That this act shall cease to be in force after the first day of January next.

1794

C H A P. XLI.

An Act to amend the act for establishing the town of Winton in Hertford county.

WHEREAS many persons who subscribed for and drew lots in the town of Winton, have failed to pay or obtain conveyances for the same, which tends to retard the improvement of the said town, and to the injury of the original proprietor: For remedy whereof,

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That all lots subscribed for in the said town, and drawn by any person who hath heretofore failed to pay and obtain conveyances for the same agreeable to the directions of the said act, shall be sold at public auction to the highest bidder by the commissioners of the said town, within twelve months after the same shall have been advertised in the Halifax paper for six weeks successively, unless on or before the day set apart in the said advertisement for the said sale, the original subscriber for any of the said lots, or any person or persons legally claiming under him or her shall pay to the said commissioners, or one of them, the sum which he or she was bound to pay by the said act, or shall make it appear by oath or otherwise, that the same hath been paid for, and apply to the said commissioners for a proper deed of conveyance; and the money arising from such sales after the legal demand of the said original proprietor are satisfied as by the said act is directed, shall be applied by the said commissioners for the benefit and towards the improvement of the said town, as a majority of them shall judge most advisable.

C H A P. XLII.

An Act to repeal an act, passed at the last session of the General Assembly held at Fayetteville, entitled "An act to divide the militia of Orange county into two separate regiments, and to empower the officers of the militia of said county to divide the militia thereof into two separate regiments; and to divide the militia of Lincoln county into two regiments."

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the before recited act shall be and the same is hereby repealed and made void.

II. *And be it further enacted,* That the officers of the militia in the said county, shall have full power to divide the militia of said county, into two separate regiments, observing the directions of the act of Congress, entitled "An act more effectually to provide for the national defence, by establishing an uniform militia throughout the United States;" and they shall also have power to appoint their several places for holding their regimental and battalion musters and courts-martial, and the commissioned officers of each regiment under the said division shall respectively retain their several commands in as full and ample a manner as heretofore.

III. *And be it further enacted,* That the companies of William Henry, William Dickson, John Jenkins, Peter Torney and Edmond Waggoner, shall form the first regiment of militia in the county of Lincoln, and the companies of David Dickson, William M'Cassin, John Patton, David Shewford, Michael Cline, John Jones and Ephraim Perkins, shall form the second regiment of militia in said county; and the said regiments shall hold their general musters and courts-martial at the court-house of said county, at the respective times, and under the same rules and regulations as heretofore prescribed by law.

C H A P. XLIII.

An Act for establishing a town on the land of Matthew Brooks in the county of Stokes.

WHEREAS the establishment of a town on the land of Matthew Brooks in the county of Stokes would be of utility to the community at large, in the encouragement of manufactories in that neighbourhood:

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, that one hundred acres of land, the present property of the said Matthew Brooks, or so much more as he may think proper to appropriate, be established and laid off into a town by the name of Vienna.

II. *Be it further enacted,* That William Winburn, Martin Holder and George Houser be and they are hereby appointed commissioners and trustees for carrying on and regulating the said town: And when the said Matthew Brooks shall execute a deed in fee simple to the said commissioners, they or a majority of them (which upon all occasions whatever are hereby constituted a quorum to carry the purposes of this act into effect) shall have full power and authority to sell and dispose of the lots in the said town; make and execute deeds in fee simple to the respective purchaser or purchasers of the same: And also the said commissioners or a majority as aforesaid, shall have full power and authority, and they are hereby required to meet as often as they think proper to make such rules and regulations as they may judge necessary for the good government thereof.

III. *And be it further enacted,* That in case of death, refusal to act, or removal of any of the said commissioners, the majority of those remaining are hereby authorized and empowered to appoint another, or others in his or their stead, so failing to comply with their respective duties; which commissioner or commissioners when so appointed, shall have all the powers and authorities as if they had been named in this act: And all such rules and regulations as may be properly enacted by the said commissioners for the government of the said town, and regulation thereof, shall be binding to all intents and purposes upon the inhabitants thereof, as if the same had been passed by the Legislature of this state, any thing to the contrary notwithstanding.

C H A P. XLIV.

An Act to explain and amend an act, entitled "An act to appoint Commissioners for disposing of part of the ground appropriated for the use of the public buildings in the county of Person;" and for appointing three jurors to the superior court of Hillsborough.

WHEREAS John Gwin, one of the commissioners heretofore appointed (through some mistake) was called John Gvin, and under which name he did not think himself authorized to act; and the appointing two more commissioners to be added to those already appointed, will give more satisfaction to the said county:

I. *Be it enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the said John Gwin, together with James Fuller and Samuel M'Murry, be and they are hereby authorized and empowered to act with those commissioners already appointed, together with a majority of the whole included, shall from henceforth have the same powers and authorities in all things concerning the matters contained in the before recited act, as if they had therein been expressly nominated and appointed.

And whereas the county of Caswell before the division thereof, appointed but seven Jurors to attend the superior court, and through some mistake at the division, the two counties have appointed eight; and as it is notorious that the county of Caswell contains the largest number of inhabitants:

II. *Be*

II. *Be it therefore enacted by the authority aforesaid.* That after the passing of this act, it shall be lawful for the county of Perlin to appoint three jurors to attend the superior court of Hillsborough, and no more, any law heretofore to the contrary notwithstanding.

C H A P. XLV.

An Act to amend an act, entitled "An act altering the line between the counties of Lincoln and Burke, and appointing Commissioners to fix on a convenient place in the said county of Lincoln to erect the public buildings of the said county," passed at Hillsborough, in April, one thousand seven hundred and eighty-four.

I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That Wallace Alexander, Joseph Morris and David Zimmerman, be and they are hereby appointed Commissioners of said town, in addition to those heretofore appointed, who shall have the same powers and authorities with those nominated in the before recited act. And the said Commissioners, or a majority of them, shall have power and authority to lay out the ground adjoining said town into lots, each to contain such number of acres as they may deem necessary; and the lot or lots so laid out shall be numbered and particularly described by them in an advertisement to be set up at the court-house in said town, at least thirty days, when they shall proceed to sell the said lots at public vendue to the highest bidder; who shall have a credit of twelve months for the payment, upon giving bond with approved security to the Commissioners aforesaid; to whom the same shall be paid, and by them applied to the use of repairing the court-house, prison and stocks in said town.

And whereas the before recited act required the several deeds of conveyance made to the purchaser or purchasers of lots in said town, to be executed by a majority of said Commissioners, but the patent for said land being in the name of one of the Commissioners alone, the several deeds for said lots were solely executed by him: For remedy whereof,

II. *Be it further enacted,* That the several deeds of conveyance for the lots contained in said town as already signed and sealed by one of the Commissioners, shall be deemed and held valid in law to convey to the person or persons to whom the same are granted, an absolute estate in fee simple, in as full and ample a manner as they could or would have done, had they been executed and signed by a majority of said Commissioners; any law, usage or custom to the contrary notwithstanding.

C H A P. XLVI.

An Act to repeal part of an act passed at Tarborough, in the year one thousand seven hundred and eighty-seven, entitled "An act granting to the inhabitants living on the south side of Mecklenburg county, a privilege of holding a separate election for Members of the General Assembly."

I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That so much of the before recited act as grants to the inhabitants on the south side of Mecklenburg county, a privilege of holding a separate election for Members of the Assembly in said county, shall be and the same is hereby repealed and made void: And that all the free men in said county shall after the passing of this act, give the suffrages at the court-house only, any thing in the before recited act notwithstanding.

C H A P. XLVII.

An Act for the better regulation of the town of Lumberton, and to authorise the Commissioners already by law appointed to sell such lots as may not be claimed within a limited time.

I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this act the inhabitants of the said town of Lumberton, are required to meet at the court-house in said town, on the first Tuesday in March in every year, then and there to choose five Directors by ballot, under the inspection of two persons to be chosen for that purpose by the freeholders of the said town; and all the inhabitants, and lot holders therein though not inhabitants, who are entitled to vote for members of the General Assembly, shall be entitled to vote at the election for Directors aforesaid.

II. *And be it further enacted by the authority aforesaid,* That the said Directors when chosen, or their successors, or a majority of them, shall have full power and authority to make rules and regulations for the opening, clearing and extending the streets; and shall have power to remove all obstructions, encroachments or nuisance: And such Directors and their successors, or a majority of them, shall have full power and authority to sue for and recover all penalties which shall be recoverable for the use of the said town; and no suit for such penalty shall abate by reason of the death or removal of the said Directors, or either of them, but may be prosecuted to final judgment and execution by their successors: And the said Directors shall appoint a Treasurer for the town, on the day succeeding their own election; who shall give bond with sufficient security for the faithful discharge of his office, and for settling and paying any balance that may remain in his hands to the Treasurer that may be appointed for the next succeeding year.

III. *And be it further enacted,* That the said Directors, or a majority of them, and their successors, shall have power to lay a tax annually, of one shilling on every hundred pounds value of lots in the said town, for the purpose of building a market-house, clearing the streets, and removing of nuisances, to be collected by such person as they shall appoint Collector of taxes for said town, who is hereby empowered to distrain for the same in case of non-payment.

IV. *And be it further enacted,* That the Directors aforesaid shall have full power and authority to adopt such rules and regulations as they may think proper and necessary for restraining vice and immorality, and to inflict such fines and penalties as they may judge expedient for the suppression of tippling houses erected by disorderly persons contrary to law; which fines and forfeitures shall be recovered in the name of the Directors, in a summary way, before any Justice of the Peace, for the use of the town; and shall be applied by the Directors, or a majority of them, for public purposes in the improvement of said town in such manner as they may think most advisable.

And whereas there are a number of lots in the said town of Lumberton that have not been claimed since the said lottery was drawn, for which no public taxes have been paid, whereby the state is defrauded in its revenue, and the improvement of the town aforesaid is thereby injured:

V. *Be it enacted by the authority aforesaid,* That the Commissioners of said town of Lumberton that have been or hereafter may be appointed to make conveyances to claimants of lots in said town, shall advertise in the most public gazette in this state, all such lots as have not been claimed since the lottery was drawn for said town; which advertisement shall be continued three months, requiring all holders of lottery tickets or claimants of lots, to make application for conveyances.

1794

VI. *And be it further enacted*, That all lots in the aforesaid town of Lumberton for which no taxes shall be paid, no deed by the Commissioners given, nor no claim made within two years from the passing of this act, shall be publicly sold by the Sheriff of the county of Robeson, under the direction of the Commissioners aforesaid; who are hereby authorized to make conveyances to such person or persons as may become purchasers of any of the said unclaimed and unappropriated lots as aforesaid.

VII. *And be it further enacted*, That all monies that may be collected by the sales of lots unclaimed as aforesaid, as well as all monies remaining in the hands of the Directors of the said town, and not appropriated to the improvement thereof at the end of every ensuing year from the said first day of March next, shall be paid to the Trustees of the Lumberton academy, to be by them appropriated to the use and purpose of building a house for the reception of students, and advancement of the said seminary of learning.

C H A P. XLVIII.

An Act to repeal an act, entitled "An act for the more speedy determining disputes that have arisen or may hereafter arise in the counties of Rowan, Mecklenburg, Rutherford, Guilford, Lincoln and Rockingham, respecting erecting mill-dams, and to prevent persons from building mills as herein described."

WHEREAS the before recited act has upon experience been found to have an injurious effect in many instances, and the necessity which gave existence thereto no longer remaining, it now becomes proper to repeal the same:

I. *Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the before recited act, passed at Newbern, in the year one thousand seven hundred and eighty-five, be and the same is hereby repealed and made void.

C H A P. XLIX.

An Act for levying a tax on the inhabitants of the county of Martin, for the purpose of building a house in said county for the reception and employment of the poor thereof.

WHEREAS it is represented to this General Assembly that the inhabitants of said county are earnestly desirous of having proper buildings therein for the reception and useful employment of the poor thereof:

I. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the said court of Martin, be and is hereby authorized and empowered to lay a tax on the inhabitants thereof, for the years one thousand seven hundred and ninety-five, and ninety-six, not exceeding one shilling on each poll, four pence on every hundred acres of land, and four pence on every hundred pounds value of town lots, with their improvements, within said county; which tax shall be collected by the Sheriff of said county, and accounted for in manner as by this act directed: And the said Sheriff is hereby invested with the same power to compel a payment of the tax laid by virtue of this act, as by law he has to compel the payment of the public tax of said county, and shall be allowed the same commissions for the collection thereof, that he is allowed on other public taxes.

II. *And be it further enacted*, That Thomas Hunter, William M'Kinzie and Henry Slade, be and are hereby appointed Commissioners to direct and superintend the building of such house in said county of Martin; and the said Commissioners are hereby empowered to receive and appropriate to the building of such houses, the monies raised by this act; and it is hereby declared to be their duty to publish from time to time, and at every county court, at the door of the court-house of said county, an account and statement of the sums by them received and disbursed; and finally to settle with, and have their accounts audited by auditors to be appointed by the said county court, and shall pay over the balance remaining in their hands (if there be any such balance) to the wardens of the poor of said county, to be by them applied for the benefit of the poor; and the said Commissioners shall be entitled to such reasonable allowances for their services in this behalf, as the said county court shall think proper to make.

III. *And be it further enacted*, That the Commissioners by this act appointed, shall have power, and are hereby required to fix upon a proper place for the erection of such buildings, and either to buy, or receive by donation such lands as may be convenient for the same; and to take a deed therefor from the former proprietor or owner to the wardens of the poor of the said county, to and for the use of the poor thereof; which deed shall be recorded with the register of said county, and lodged with the Clerk of the court thereof. And the said Commissioners are hereby further authorized to use their own discretion with regard to the size and dimensions of said house, and the manner of erecting the same.

IV. *And be it further enacted* That the said house when completed, shall be under the care and management of the wardens of the poor of said county, to admit therein such persons as they may deem proper objects of public charity, to provide suitable provisions and apparel for them; and to make such rules and regulations and prescriptions, as they shall deem most expedient for the useful governing and employing the poor thereof, to the advantage of said county.

And whereas it is represented to this General Assembly, that a number of persons in the county of Martin, have subscribed considerable sums for the benevolent purpose of erecting such building:

V. *Be it also enacted by the authority aforesaid*, That the Commissioners are empowered to receive such subscriptions; and also are empowered by the name of the Commissioners for the poor house of the county of Martin, to sue for and recover the sum or sums that are or may be subscribed by any person or persons whatever: And the Commissioners shall appropriate such sum or sums of money in the same manner as herein before directed for the tax hereby laid, and shall account for and pay over the balance that may remain in their hands in the same manner.

C H A P. L.

An Act to amend the several acts passed for the collection and appropriation of monies for the support of sick seamen as regards the town of Wilmington.

WHEREAS the laws heretofore made for the relief of sick seamen in the several ports of this state, have been found on experience inadequate to that purpose in the town and port of Wilmington:

I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the Wardens of the Poor for the parish of St. James, in the county of New-Hanover, shall be and are hereby authorized and empowered to call upon the Collector or Naval Officer of the port of Wilmington, to account with and pay to them all such sums of money which he may or ought to have received in pursuance of the laws now in force for the purposes aforesaid, and which have not yet been appropriated agreeably to said laws: And if the Naval-Officer or Collector shall refuse to account with said Wardens as aforesaid, they are hereby authorized and empowered to state an account with him the said Naval-Officer or Collector from the best evidence they can collect, of what sums have or ought to have been received in pursuance of the said laws and remain unappropriated; which said statement shall be taken as admitted

mitted by said Naval-Officer or Collector in any suit instituted for the recovery of any balance due thereon, unless the said Naval-Officer or Collector shall render a just and true account of what monies have actually been or ought to have been received by him, and not appropriated in pursuance of the laws before mentioned.

II. *And be it further enacted by the authority aforesaid,* That the Wardens of the Poor for the parish aforesaid, shall be and are hereby authorized and empowered to recover by an action on the case, in any court of record in the county of New-Hanover, any sum or sums of money due by the Collector or Naval-Officer of the port aforesaid to the Commissioners of the town of Wilmington, for the receipt of hospital money. *Provided nevertheless,* That they shall give ten days notice to the Naval-Officer or Collector previous to their instituting any suit; which said notice shall be accompanied with an account of the said Wardens, stating the balance they mean to charge the said Naval-Officer or Collector in any suit they mean to bring against him.

III. *And be it further enacted by the authority aforesaid,* That so much of the act passed in the year one thousand seven hundred and ninety, as authorizes the Commissioners of the several towns of the state to levy and collect the tax for the support of sick seamen in the ports thereof, be and the same is hereby repealed and made void so far as regards the town of Wilmington.

C H A P. LI.

An Act to apportion the number of Jurors to be sent from the counties of Mecklenburg and Cabarrus, to Salisbury Superior Court; and include the county of Cabarrus in the district composed of the counties of Rowan, Mecklenburg and Montgomery, for the purpose of choosing an Elector to vote for a President and Vice-President of the United States.

I. **B**E it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the county of Mecklenburg shall appoint four, and the county of Cabarrus three Jurors to attend the superior court of Salisbury, in the same manner, and at the same time, as Jurors have been heretofore appointed for said purpose in each of the said counties respectively.

II. *And be it further enacted by the authority aforesaid,* That hereafter the counties of Rowan, Mecklenburg, Montgomery and Cabarrus, shall compose one district to choose an Elector to vote for a President and Vice-President of the United States; and the Sheriff of the said county of Cabarrus is hereby authorized and required to open and hold an election for the purpose aforesaid, agreeable to an act of Assembly, passed in the year one thousand seven hundred and ninety-two, entitled "An act relative to the appointment of Electors to vote for a President and Vice-President of the United States."

C H A P. LII.

An Act to repeal an act, passed at Newbern, in the year one thousand seven hundred and ninety-one, entitled "An act to improve the navigation of the Northwest Branch of Cape-Fear River."

WHEREAS the tax on all produce sent down the said river is found to be a grievance on the inhabitants of Cumberland county, and a tax on their industry: For remedy whereof,

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That the before recited act be and the same is hereby repealed and made void.

C H A P. LIII.

An Act to extend an act for securing and preserving the titles of the freeholders in the counties of Perquimans, Beaufort and New-Hanover, to those of the counties of Hyde and Onslow.

I. **B**E it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, that the act of Assembly passed at Fayetteville, in the year one thousand seven hundred and ninety-three, for securing and preserving the titles of the freeholders in the counties of Perquimans, Beaufort and New-Hanover, shall also extend and apply to the freeholders of the counties of Hyde and Onslow, in as full and ample a manner as if the said counties of Hyde and Onslow had been therein inserted, any thing to the contrary notwithstanding.

C H A P. LIV.

An Act to empower the Wardens of the Poor in the county of Cabarrus, to receive a proportionable part of the poor tax from the county of Mecklenburg.

I. **B**E it enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, That the wardens of the poor of the county of Cabarrus, by themselves, or their lawful attorney, or agent, be and they, or either of them, are hereby authorized and required to demand and receive from the Trustee or Sheriff of the county of Mecklenburg, such part or portion of the poor tax as became due, or was in the hands of the Trustee or Sheriff, or liable to be collected at the time of the division, to any person or persons residing in that part of the county now called Cabarrus.

C H A P. LV.

An Act for rebuilding the gaol, and erecting a pillory and stocks in the county of Stokes, and to levy a tax to discharge the expence thereof.

I. **B**E it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing this act, that a sum of six pence be collected on every poll, and a sum of two pence on every hundred acres of land in said county by the Sheriff thereof, for the purpose of rebuilding the gaol in said county, and building a pillory and stocks for the use of the said county; which said sum shall be collected and paid into the hands of the county Trustees, for the purpose aforesaid, under the same rules, regulations and restrictions as other county taxes are accounted for, and by the said Trustees paid to the workmen building the same, at the direction and option of the Commissioners to superintend the said work.

II. *And be it further enacted,* That Peter Hairston, Abraham Steiner and John Martin, Esquires, be and they are hereby appointed Commissioners, and they, or any two of them, are hereby empowered to employ workmen to accomplish the said work, and to superintend the same.

C H A P. LVI.

An Act to keep open Little-River and Uharree in Montgomery and Randolph counties for the passage of fish up the same.

WHEREAS it is represented to this General Assembly, that the keeping open the aforesaid rivers will be highly advantageous to the inhabitants of said counties:

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That every person or persons who hath built or erected any mill-dam, or who may hereaf-

1794

ter build or cause to be built any dam or dams, on or across the said rivers, from the mouth of Little-River as far as Randolph line, and from the mouth of Uharee as far up the same as the Old Trading Road leading from Salisbury to Fayetteville, or who may in any manner obstruct a free passage up said rivers, shall from the twentieth day of February until the tenth day of April in each and every year, open or cause to be opened, a passage of twelve feet wide to the mud side of every dam, in the middle thereof; and cause the same to be kept so opened, for the time aforesaid, under the penalty of forfeiting the sum of one hundred pounds, to be recovered by him or them that will sue for the same, the one half to the use of the county, and the other to him or them who may sue for the same.

C H A P. LVII.

An Act for the better regulation of the town of Germanton in Stokes county, and to enlarge the same.

I. *BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same.* That the inhabitants of the town of Germanton in Stokes county, be empowered to assemble themselves on Easter Monday next, in order to elect three Town Commissioners, persons who must be possessed of a freehold in said town; and when elected they are hereby empowered to make all such rules and regulations for the good government of the inhabitants thereof as they shall deem necessary. Which rules and regulations when made, shall be binding, to all intents and purposes, on the inhabitants thereof, as if they were specified in this act. *Provided nevertheless,* That no such rules and regulations shall be repugnant either to the constitution or laws of this state.

And whereas the population of the said town, renders the extension thereof necessary:

II. *Be it further enacted by the authority aforesaid,* That the said town of Germanton shall be extended in the following manner: First, to include all those lots either laid off or improved, from the ford on Buffalo creek to the forks of the road leading to Bethany and Bethabara on the main street; also all those from the bridge on Buffalo and ford on the town fork, to those lots heretofore established, be henceforth added to the town of Germanton, and shall be in all respects whatever considered as part thereof.

And where is the preservation of streets from filthy incumbrances, is necessary in all towns:

III. *Be it further enacted,* That the Commissioners so elected as before described, shall have full power and authority to lay a tax on the said town, either by poll or by the property thereof, or both if necessary, as will be thought sufficient to keep clean the streets thereof, and defray the charges of such other regulations as they may deem necessary: Which tax when laid shall be binding on all those who live, or have property therein, and shall and may by the said Commissioners, be collected in such a manner as they may devise. And all those who neglect or refuse to pay the same, the said Commissioners or their proper Collector may distrain for the same, in manner as Collectors of the public revenue of this state; any thing to the contrary notwithstanding.

C H A P. LVIII.

An Act to amend an act, entitled "An act for establishing a town at the narrows of Pasquotank river, in the county of Pasquotank," passed at Fayetteville, in the year of our Lord one thousand seven hundred and ninety-three.

WHEREAS it is signified to this General Assembly, that it is the wish of the former proprietor, and the Commissioners of the said town, that the name thereof should be altered from Reading to Elizabeth:

I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same.* That from and after the passing of this act, the said town established at the Narrows of Pasquotank river under the authority of the before mentioned act, shall be known and distinguished by the name of Elizabeth town, subject nevertheless to all the regulations and restrictions, and entitled to all the privileges expressed in the said act above recited; any thing in the same to the contrary notwithstanding.

C H A P. LIX.

An Act for the regulation of the City of Raleigh.

I. *BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That John Haywood, Dugal McKeethan, John Marshall, John Rogers, John Pain, James Mares and John Craven, be and they are hereby appointed Commissioners of the city of Raleigh, and they and their successors in office chosen and qualified agreeable to the directions of this act, shall be and they are hereby incorporated into a body corporate and politic by the name of the Commissioners of the city of Raleigh; and by that name to have succession by the election of the freemen as by this act is directed, and a common seal; and they and their successors by the name aforesaid, shall be able and capable in law to have, purchase, receive, possess and retain to them and their successors forever in trust for said city, any lands, rents and tenements of what kind, nature or quality soever: And also grant, sell, devise, alien and dispose of the same, and to receive and take any gift or donation whatever to the said city; and also by the same name to sue and be sued, plead and be impleaded, answer and be answered in all courts of record whatever; and from time to time, at all times hereafter, to make such rules, orders and regulations and ordinances, as to them shall seem meet for repairing the streets, appointing a Constable or Constables, city Watches or Patrols, and making proper allowances by fee or otherwise for such services; and for all such other necessary ordinances, rules and orders which may tend to the advantage, improvement and good government of the said city: And the said rules, ordinances and regulations from time to time to alter, change, amend and discontinue as to the said Commissioners or a majority of them shall appear necessary; and shall also have full and ample power to enforce a compliance and observance to such regulations by laying fines and penalties on those who shall refuse or neglect to conform to such rules and regulations not exceeding five pounds: And in case of slaves, the punishment of thirty-nine lashes, the said penalty to be recovered, and the punishment to be inflicted in manner hereafter mentioned: That in case of the death, removal or refusal to qualify of any of the Commissioners appointed by this act, a Commissioner shall be elected by the freemen of said city, in the room of the person so dead, removed or refusing to qualify; for which purpose it shall be the duty of the Intendant of Police, and in his absence of the remaining Commissioners, to notify the Sheriff of the county of Wake of such death or removal, who upon receiving such notice shall as soon as possible, after giving ten days previous notice by public advertisement, attend by himself or deputy at the court-house or some convenient place in the city of Raleigh, and at ten o'clock of the day so appointed by advertisement, open the poll and receive the tickets in the presence of two inspectors; and when the election shall be finished, such officer and inspectors shall examine and number the ballots, and the person having the greatest number of ballots shall be declared duly elected to the office of Commissioner: And the said Sheriff of the county of Wake shall perform the duties aforesaid, under the penalty of fifty pounds for every neglect or refusal, to be recovered by action of debt before any jurisdiction having cognizance thereof, by any person who shall sue for the same, in one year after such neglect or refusal, one half to the prosecutor, the other to be paid to the Treasurer of the city for the use of the city. And the Commissioners so chosen, and those appointed by this

act, shall before they enter on the execution of their office take the following oath, "I, A. B. do swear that I will faithfully discharge the office of Commissioner for the city of Raleigh agreeable to law, and to the best of my knowledge and judgment. So help me God."

And whereas the proper office of the said Commissioners is, that of making bye-laws and regulations for the government of the said city; and it has been found inconvenient, and often impracticable, to call together Commissioners for the immediate purpose of punishing offenders; whereby the said regulations are never properly carried into effect: For remedy whereof,

II. *Be it enacted*, That the Commissioners of the city of Raleigh, shall on or before the first Monday in March next, having first advertised the same for five days, meet at the court-house in the said city, or some other convenient place; and elect a proper person to act as Intendant of Police for the said city; whose duty it shall be to enforce obedience to the laws and punish offenders; and shall be and is hereby authorized to issue his warrant directed to the Sheriff, Deputy-Sheriff or City-Constable, to summon the offenders against the laws, rules and ordinances made and provided for the regulation of the said city, to appear before him; and on their conviction, which shall be in the manner of trials before Justices of the Peace, the said Magistrate is hereby required and authorized to give judgment and award execution, agreeable to the laws, rules and ordinances provided for the government of the said city: Which warrant or execution the said Sheriff, Deputy-Sheriff or Constable is hereby required to execute. And on such trials or enquiries, is hereby authorized and declared to possess all the necessary powers to administer oaths and subpoenas, and examine witnesses; and shall take the following oath before he enters on the execution of his office, "I, A. B. do solemnly swear, that as Intendant of Police for the city of Raleigh, I will do equal right in all cases whatsoever, to the best of my judgment, and according to the laws, rules and ordinances made for the good government of the said city; all fines and punishments that may happen to be made, I will cause to be duly returned to the proper officer; and in all things belonging to my office, during my continuance therein, I will faithfully, truly and justly, according to the best of my skill and judgment, do equal and impartial justice to the public and to individuals. So help me God." *Provided*, That in all cases whatever respecting the judgment of the Intendant of Police, in consequence of the authority delegated to him by this act, any person or persons being dissatisfied with such judgment, he, she or they shall have the liberty of appealing therefrom to the court of pleas and quarter-sessions for the county of Wake.

III. *And be it further enacted*, That no person shall be deemed qualified to act as Commissioner of the city of Raleigh, unless he hath a lot of land therein, with a dwelling house on the same, in his own right in fee, or on lease for one year; and that all the freemen who are liable to pay taxes, and have been inhabitants of the said city six months next before and at the day of election, shall be entitled to vote for the Commissioners of the said city, and no others.

IV. *And be it further enacted*, That the Commissioners shall appoint one of their body to act as Treasurer of the city for one year, to receive and account for the city monies; for which a regular entry must be made in a book kept for that purpose, and upon the appointment of a new Treasurer, the old one shall immediately pass his account with him and pay any balance there may be in his hands. *Provided*, That before such Treasurer enters on his office, he shall give his bond with approved security payable to the Commissioners for the faithful discharge of his duty.

V. *And be it further enacted*, That the Commissioners of the said city shall choose and appoint a proper person to be their Clerk of the said city, to act as such during good behaviour; who shall be allowed a reasonable salary, and enter into bond to the Commissioners of the said city, and their successors, with sufficient security in the sum of two hundred pounds, for the due and faithful execution of his office; and the trust reposed in him, for the safe-keeping of the books and papers put into his care, and keeping a regular and fair journal of the proceedings of the Commissioners during his continuance in office. And all persons shall have free access to the journals and papers on paying two shillings to the Clerk; under the penalty of twenty shillings for every refusal; to be recovered before a Justice of the Peace of the county of Wake, by any person who shall sue for the same within a month after such refusal; one half to the prosecutor, the other to be paid to the Treasurer of the city for the use of the city.

VI. *And be it further enacted*, That the Commissioners of the said city, or a majority of them, shall annually levy a tax, not exceeding five shillings on every hundred pound's value of taxable property within the said city; and a proportionable poll-tax on all persons who do not possess in the said city the value of one hundred pound's taxable property: Which tax shall be collected by a warrant under the hands and seals of the Commissioners, directed to such person as they appoint for that purpose. And the Collector to be appointed as aforesaid is hereby empowered and directed to collect and make distress for the same, in like manner as Collectors of public taxes; and the monies arising therefrom, after deducting five per cent. for commissions, shall by him be paid into the hands of the City Treasurer, to be by the Commissioners or a majority of them, applied and laid out in clearing and repairing the streets and public passages; paying officers for transacting the business of the city, and in such other public work and business as the Commissioners may deem necessary.

And the more effectually to ascertain the taxable property within the said city:

VII. *Be it further enacted*, That every inhabitant thereof shall yearly, at the time he shall give in his taxable property to be assessed for the use of the State, distinguish in the list he shall return, what part thereof is situated within the said city. And if any inhabitant shall fail so to do, the Commissioners shall and may order the city tax to be levied to the whole amount of the taxable property of the person so failing as aforesaid, although part thereof may not be within the said city; anything herein contained to the contrary notwithstanding. And it is hereby declared that every person inhabiting or occupying any house, or other building or improvement, or lot, within the said city, shall be liable to the payment of the tax thereof, unless the same shall have been returned by some other inhabitant. *Provided*, That all persons who have been six months residing in said city, shall be subject to pay taxes.

And whereas encroachments may be made on the streets of the said city, by erecting piazzas, porches, platform; and other buildings thereon, and the inhabitants and others greatly incommoded, and injury may arise by fire being communicated across the streets thereby: For remedy whereof;

VIII. *Be it enacted*, That the Commissioners are hereby empowered and requested to order all such encroachments from which danger may be apprehended, to be removed, under such pains and penalties as they shall think necessary to impose. And where any encroachment shall be found on any street or streets, from which no immediate danger is to be apprehended, the said Commissioners shall impose a ground-rent not exceeding twenty shillings, to be annually paid for every foot on front of each piazza, porch, platform or other encroachment on the street, adjoining to or being before any one house or tenement, to be applied to the public stock of the city. And if any person shall refuse or neglect to pay such ground-rent, the same shall be levied by a warrant, under the hands and seal of the Commissioners, directed to a Constable, or other officer to be by them appointed, on the goods and chattels of the defendant.

IX. *And be it further enacted*, That the Intendant of Police, and the Commissioners of the city of Raleigh, be and they are hereby authorized and required to take such measures as may be necessary to preserve the woods and timber on the public land in and adjoining the city of Raleigh.

X. *And be it further enacted*, That this act shall be and remain in force until the first day of January, one thousand seven hundred and ninety-seven; and until the end of the session of the General Assembly then next ensuing; and no longer.

1794

C H A P. LX.

An Act to alter the time of holding courts in the county of Randolph, and for laying a tax in the said county to repair the prison in said county.

I. **B**E it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the county courts of Randolph shall be constantly held on the third Mondays of May, August, November and February, in each year hereafter, and all matters and things depending in said court shall stand adjourned thereto.

II. *Be it further enacted*, That a tax of three pence on every poll, and a tax of one penny on every hundred acres of land in the said county, shall be collected and applied to the purpose of repairing the prison of said county, under the same rules and regulations as other taxes in that case made and provided; all acts and parts of acts coming within the meaning and purview of this act are hereby repealed and made void.

C H A P. LXI.

An Act to empower Daniel Clifton, late Sheriff of Duplin county, to collect the arrearages of taxes due him in said county for the years one thousand seven hundred and eighty-nine, one thousand seven hundred and ninety, one thousand seven hundred and ninety-one, and one thousand seven hundred and ninety-two.

I. **B**E it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Daniel Clifton, late Sheriff of the county of Duplin, shall be and is hereby authorized and empowered to collect all the arrearages of taxes due him in said county for the years one thousand seven hundred and eighty-nine, one thousand seven hundred and ninety, one thousand seven hundred and ninety one, and one thousand seven hundred and ninety-two; and the said Daniel Clifton is hereby vested with all and singular the powers and authorities for the collection of said arrearages, with which Sheriffs of the several counties are now vested by the several acts of Assembly in such case made and provided.

C H A P. LXII.

An Act to confirm the rights and privileges of a certain mulatto man called Franck, formerly the property of Thomas Lytle, late of Randolph county, and to confirm on him the name of Franck Lytle.

WHEREAS the court of the county of Randolph, at their session held in the month of November last, on the petition of Catharine Lytle, William Bell, John Beard and Samuel Millikin, the executors and legatees of the last will and testament of the said Thomas Lytle, deceased, did order that the said Franck should be at liberty, agreeable to an act of the General Assembly in such cases made and provided; for meritorious services done by him for the said Thomas Lytle in his lifetime: And whereas the said Catharine, William, John and Samuel have petitioned this Assembly to pass an act to entitle the said Franck to be called and known by the name of Franck Lytle:

I. *Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the said order of the court of Randolph county aforesaid, liberating the said Franck, be and is hereby ratified and confirmed; and by virtue thereof the said Franck, by and under the name of Franck Lytle, shall be and is hereby declared to be free; and shall henceforth enjoy the protection of the laws, and the benefit of the constitution of this State, in the same manner as others of his colour who were born free, to every intent and purpose. *Provided*, That nothing herein contained, shall be construed so as to affect the title or claim of any person or persons other than the persons herein named.

C H A P. LXIII.

An Act to empower the county court of New-Hanover to lay a tax for the purpose of destroying the vermin herein mentioned, and for altering one of the places for holding the annual elections in the county of New-Hanover; and to amend an act to encourage the destroying wolves, wild-cats, panthers and bears in the county of Carteret, passed in one thousand seven hundred and ninety-two.

I. **B**E it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the court of pleas and quarter-sessions of said counties, which shall respectively be held after the last day of February, one thousand seven hundred and ninety-five, shall proceed to lay a tax not exceeding six pence on every poll in said county, and two pence on every hundred acres of land in the same county; the amount of which, when collected, shall be appropriated for the purposes hereinafter mentioned.

II. *And be it further enacted by the authority aforesaid*, That any person who within the limits of said counties, shall kill any wolf or wolves, shall be entitled to receive the sum of four pounds for every grown wolf, and the sum of twenty shillings for every wolf under six months old, so by any such person killed as aforesaid. *Provided always*, That before any person shall be entitled to receive any of the allowances herein made, he shall produce to some Justice of the Peace for the counties aforesaid, the scalp or scalps of such wolf or wolves so by such person killed, and shall make oath before the same Justice that the scalp or scalps so produced are the scalp or scalps of a wolf or wolves by him the said person killed within the limits of the county aforesaid, since the first day of February, one thousand seven hundred and ninety-five. And every Justice of the Peace aforesaid, before whom such proof is made, is hereby required to destroy every such scalp or scalps.

III. *And be it further enacted by the authority aforesaid*, That every Justice of the Peace before whom such scalps are produced, and such proof made, shall give to the person so producing the same, a certificate setting forth the number of the scalps produced and proved as aforesaid before him by such person, and what sum the person receiving said certificate is entitled to receive; such Justice granting the said certificate having regard to the age of the wolf so killed as aforesaid, so far as he can ascertain the same: Which sum so certified, shall be paid by the County Treasurer of said county, who shall be allowed the amount of said mentioned certificates in the settlement of his accounts with the county court of the said county.

IV. *And be it further enacted*, That any person producing any scalp or scalps of bears, panthers, wolves or wild-cats to the Commissioners of Carteret county, shall before they are entitled to receive such sum or sums of money directed to be paid for killing such vermin, make it appear by affidavit, that the vermin for which they claim a reward for killing, was killed within the limits of the said county of Carteret; and since passing the act for destroying such vermin in said county, at Newbern, in the year one thousand seven hundred and ninety-two. *Provided*, That no tax shall be levied on or collected from any poll residing within the limits of the town of Wilmington for the purposes aforesaid.

V. *And be it further enacted by the authority aforesaid*, That from and after the passing of this act, the annual elections to be held for the county of New-Hanover, shall on the first day of every such annual election be held at some convenient house most adjacent to Long-Creek bridge in said New-Hanover county, instead of the house of John Larkins, Esquire, lately deceased.

CHAP

1794

C H A P. LXIV.

An Act to amend an act, entitled "An act for the regulation of the town of Newbern, and for other purposes therein mentioned," passed at Halifax, in January, one thousand seven hundred and seventy-nine.

WHEREAS it hath been represented to this General Assembly by sundry of the inhabitants of the town of Newbern, that by the above recited act for establishing the town of Newbern, that part of Front-street on the south side of said town, between Dirty lane and East street, runs so much into the marsh on Lawson's creek, and the ground being otherwise much broken, so as to render it very difficult and expensive to make the said street sufficiently good for the passage of carts and cattle; and whereas it has been also represented unto us, that a street could be opened on the northern part of the front lots on said street, greatly advantageous to the inhabitants, and with little expence and labour: For remedy whereof,

I. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the Commissioners of the town of Newbern are hereby authorized and required as soon as may be, to lay off a street forty feet wide at the northern extremity of the said front lots from number thirty-five on Dirty lane, to number fifty-four on End-street, both inclusive; and running parallel to Front-street as it is now laid down in the plan established by the aforesaid act.

II. *And be it further enacted by the authority aforesaid,* That after the passing of this act, that such parts of what is now called Front-street, which lies immediately between the said front lots and their respective fronts, shall be deemed and held to be part of the said lots, and is hereby vested in the respective proprietors of the aforesaid lots, their heirs and assigns forever, as a compensation for that part of their lots taken away for the new street.

C H A P. LXV.

An Act to repeal part of an act passed at Fayetteville in one thousand seven hundred and ninety-three, entitled "An act for laying out a town on the lands of Thomas Matthews in the county of Moore;" and also to alter the time of holding the courts of Pleas and Quarter-Sessions in the county of New-Hanover.

WHEREAS John Cameron, Duncan Patterson and Samuel Dunn have given in their resignation as Commissioners for laying out the aforesaid town:

I. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That so much of the before recited act as appoints the said John Cameron, Duncan Patterson and Samuel Dunn Commissioners, be and the same is hereby repealed and made void: And that Charles Leal, Laughlin M'Neal and John M'Clinnan, be and they are hereby appoint Commissioners for laying out the said town; which said Commissioners shall possess and exercise the powers and authorities vested in the Commissioners appointed by the former act.

II. *And be it further enacted,* That the county court of New-Hanover shall be held in future on the third Mondays in June, September, December and March; and all matters and things in said court shall stand adjourned to the third Monday in June next, after the first court which shall be held after the passing of this act.

C H A P. LXVI.

An Act to establish a Fair at the Hurricane in Richmond county.

WHEREAS it is represented to this General Assembly, that a number of the inhabitants of said county are desirous of having a fair established at the place aforesaid:

I. *Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, a fair shall be established at or near the place called the Hurricane in Richmond county, to be held on the first Thursdays and Fridays in May and November in each and every year, to be held and conducted under such rules, regulations and restrictions as the Commissioners hereafter mentioned may direct.

II. *And be it further enacted,* That William Wall, Richard Adams, Hugh M'Call, Benjamin Long, John Cole, jun. Paul M'Call and Alexander M'Rea, be and are hereby appointed Commissioners to superintend the aforesaid fair; and the said Commissioners are hereby empowered and required to form such rules and regulations as they or a majority of them may deem most conducive to the interest and advantage of said fair.

C H A P. LXVII.

An Act to empower the county courts of Orange, Burke and New-Hanover to employ some proper person to transcribe the books in the Entry-taker's office in said counties.

WHEREAS it is represented to this General Assembly, that the books containing the entries of land in the counties of Orange, Burke and New-Hanover are greatly torn and defaced, so as to render many entries nearly illegible; and as it is of great importance to the freeholders of the said counties that the entries made in the Entry-taker's books should be fair and capable of being readily referred to:

I. *Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the Justices of the county courts of Orange, Burke and New-Hanover, and they are hereby empowered and required (if they shall think the same necessary) to appoint some fit person, truly to transcribe into a well bound book or books all the entries heretofore made by the different Entry-takers in the said counties, or so many, or so much thereof as the said Justices in their discretion shall think necessary: And the said Justices are also hereby empowered and required as soon as the said entries are so transcribed, to appoint two or more of their own body to examine the said books so transcribed; which examiners shall be sworn in open court, well and faithfully to examine the said books so transcribed with the originals: And should there be any mistake or error in transcribing, to alter and correct the same, so as exactly to tally with the originals; and the said examiners shall at the next court after they are appointed, report the books so transcribed, examined and corrected to the said county courts of Orange, Burke and New-Hanover; and shall then and there make oath that the books as aforesaid transcribed are faithful and exact copies of the originals, orthographical errors excepted: Which books shall be signed by said examiners, and then shall be received by the said county courts of Orange, Burke and New-Hanover, and shall be by them immediately delivered to the Entry-takers for the time being: And the said original book of entries shall be deposited in the office of the Clerk of the county courts aforesaid.

II. *And be it further enacted,* That the Justices of the said county courts of Orange, Burke and New-Hanover, shall and may make such allowances and compensation to the person or persons who shall copy and examine the said entry books, as they in their discretion shall think fit, to be paid as other county charges are paid.

III. *And be it further enacted,* That the said book or books in which the entries of land for the counties of Orange, Burke and New-Hanover, are so transcribed, when examined and corrected, and received by the county

1794

county courts as aforesaid, shall be held and deemed as valid in law to all intents and purposes as if the entries so transcribed were the original entries.

C H A P. LXVIII.

An Act directing the Sheriff of Beaufort to hold an Election for the purpose of electing Commissioners for the town of Bath.

WHEREAS the Commissioners for the town of Bath are all dead or removed :

I. *Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the Sheriff of the county of Beaufort shall on the last Saturday in August next, hold an election at the church in the town of Bath, for the purpose of electing three Commissioners for said town : first giving ten days notice of the same at the most public places in the said town.

II. *And be it further enacted by the authority aforesaid,* That at said election all freeholders and freemen of said town shall have a right to vote for said Commissioners.

III. *And be it further enacted by the authority aforesaid,* That the Commissioners so elected shall have the same power, and their succession kept up in the same manner as the Commissioners in the town of Washington.

C H A P. LXIX.

An Act to appoint Commissioners to erect a court-house, prison and stocks in the county of Cabarrus; and to repeal part of an act, entitled "An act to divide the county of Mecklenburg."

WHEREAS it is absolutely necessary that a place in said county should be fixed on for erecting the public buildings thereof :

I. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That William Cathy, George Graham and William Loftin, be appointed Commissioners for the purpose of fixing on some suitable place in the county of Cabarrus, at or near the center, for erecting a court-house, prison and stocks for the use of said county : And to the end that said Commissioners may have all necessary assistance, a surveyor from the county of Mecklenburg, together with the surveyor of Cabarrus, shall and they are hereby required to meet said Commissioners on the third day of March next, or at any time said Commissioners may appoint within twenty days thereafter, at the place where the court of said county is now held, and furnish the Commissioners aforesaid with a fair plan of said county, shewing therein the center, and describing the roads and water-courses; and the said Commissioners, or a majority of them, are required to fix on such spot as shall in their, or a majority of their, opinion, be most proper, suitable and advantageous to the said county for the purpose aforesaid, either at or near the center; which spot so fixed and agreed upon by them, or a majority of them; shall be the place on which the public buildings of said county shall be erected; and a report thereof shall be made by the Commissioners aforesaid, to one or more of the Commissioners hereby appointed to superintend the public buildings.

II. *And be it further enacted,* That Benjamin Patton, Archibald McCurdy, John McShamiter, Archibald Houston, junior, and James Harris, be and are hereby appointed Commissioners to superintend the public buildings (a majority of whom shall in all cases constitute a quorum) with power to obtain, by purchase or otherwise, twenty-five acres of land for the use of said county, containing the spot reported and agreed on by the Commissioners aforesaid, for said public buildings : And the Sheriff of said county is hereby required to pay into the hands of said Commissioners all such sum or sums of money as he has or may collect by law for defraying the expences aforesaid.

And whereas it is supposed that the Commissioners and surveyors being on oath, will give most general satisfaction to the inhabitants thereof :

III. *Be it further enacted,* That the Commissioners and Surveyors before mentioned for the purpose of ascertaining the place for erecting said court-house, shall previous to entering on the duties of that appointment, take an oath that they will truly and faithfully execute their respective duties described in this act, to the best of their knowledge and ability.

IV. *And be it further enacted,* That so much of an act, entitled "An act for dividing the county of Mecklenburg," as comes within the purview and meaning of this act, be and the same is hereby repealed and made void.

C H A P. LXX.

An Act appointing Commissioners to fix upon a place in the county of Montgomery for the court-house therein, and to erect public buildings therein.

I. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That Thomas Cotton, Arthur Harris, George Davidson, Alexander Beard, and Joshua Harris, be and they are hereby appointed Commissioners with full power, and they are hereby required to fix and settle on some convenient place within the limits of the mouth of Uharee and Colby Randle's from the centre thereof; also to purchase fifty acres of land of the proprietor thereof for the use of the said county; and they or a majority of them are hereby empowered and required to lay off fifty acres of the said land so purchased in half acre lots, reserving one and a half acre of the same, for the purpose of fixing the court-house, prison and stocks thereon; which place when fixed on by the said Commissioners or a majority of them, shall, and it is hereby declared by this act to be the permanent seat of the public buildings of said county.

And for the effecting of the buildings therein :

II. *Be it further enacted by the authority aforesaid,* That the court of the county of Montgomery, consisting of a majority of the Justices in said county being present, shall at the first court that may happen after the passing of this act, or at any other court thereafter, when they deem it necessary, lay such a tax on the inhabitants of said county, either by the polls thereof, or the land therein, or both if necessary, as may be sufficient to build a court house, prison and stocks for the use of said county. *Provided,* That such tax shall not exceed two shillings on the poll, and eight pence on every hundred acres of land; which tax when laid, shall by the Sheriff of the said county be collected in his first collection of public taxes that may happen thereafter, under the same rules, regulations and restrictions as all public taxes in this state are collected; and accordingly by him paid into the hands of the Commissioners appointed by this act to erect the public buildings therein.

III. *Be it further enacted,* That Thomas Chiles, Rowlin Harris and Cary Pritchard, be and they are hereby appointed the Commissioners to erect the public buildings in said county, at that place where the Commissioners appointed for that purpose may fix; who shall before they proceed on the execution of their duty, give bond with sufficient security to the Chairman of the county court, in a sufficient sum payable on their neglect to account for and pay all monies that they may receive in consequence of this act; who also shall employ workmen at their own discretion to erect and finish the said public buildings under such plans and forms as they or a majority of them may devise.

IV. *Be it further enacted,* That when the Commissioners appointed herein shall fix on a place for the said public buildings, the court of the said county of Montgomery, shall after their next term that may happen thereafter,

thereafter, adjourn to the said place, where they shall afterwards be constantly held, and to where all causes, issues and returns shall be made in as full and ample a manner as if that place was mentioned in this act; and that all acts or parts thereof which come within the meaning and purview of this act, be and the same are hereby repealed and made void.

C H A P. LXXI.

An Act to empower the county court of Tyrrel to lay a tax on the inhabitants of said county for the purpose of building a gaol therein.

I. **B**E it enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, That the county court of Tyrrel, consisting of a majority of the Justices in said county, shall at their first court which shall happen after the passing of this act, or at any court thereafter when they deem it necessary, lay a tax on the inhabitants of said county, as shall be sufficient to build a gaol therein. *Provided*, That such tax shall not exceed one shilling and six pence on each poll, also eight pence on every hundred acres of land, and one shilling and six pence on every hundred pound's value of town property in said county: Which tax when laid, shall by the Sheriff of said county be collected in his first collection of public taxes that may happen thereafter, and by him paid into the hands of the Commissioners appointed to effect the intention of this act, under the same rules, regulations and penalties as are inflicted upon all delinquencies of a like nature.

II. *And be it further enacted*, That Edmund Blount, Nathan Hooker and Benjamin Spruill, senior, be and they are hereby appointed Commissioners to employ workmen for the building of the said gaol, upon such a plan as they may devise, and superintend the work so that it is effected to an advantage: Which Commissioners shall before they enter into the execution of their duty, give bond with security to the Chairman of the said county court, for the purpose of carrying this act into effect by the completion of the gaol aforesaid.

C H A P. LXXII.

An Act to authorize the Commissioners herein mentioned, to purchase a piece of land in Wadesborough, for the public buildings; and to remove the gaol from the land whereon it now stands and place it on the same.

WHEREAS the gaol in the town of Wadesborough does not stand on public ground, and thereby has become useless to the county: For remedy whereof,

I. *Be it enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same*, That William Henry, William Johnston, Patrick Bogan, Malachi Watts and John May, senior, be and they are hereby appointed Commissioners for the purpose of contracting for and purchasing such a quantity of land as they, or a majority of them, may conceive necessary, to erect a gaol and stocks on, for the use of the county of Anson; and the said Commissioners are hereby declared to have full power and authority to remove the gaol of said county from the land whereon it now stands, and cause the same to be placed on the public ground hereby authorized to be purchased. For which ground the said Commissioners are hereby required to have a deed of conveyance executed by the proprietor to them for the use of the county.

II. *And be it further enacted*, That the county court of Anson shall have full power and authority to lay a tax, not exceeding two shillings on each poll, eight pence on each hundred acres of land, and one shilling on every hundred pound's value of town lots, with their improvements; to be collected by the Sheriff in the same manner as all other public taxes, and by him paid to the Commissioners aforesaid, for the purpose of defraying the expences of their duty herein expressed.

C H A P. LXXIII.

An Act to amend the laws now in force for the regulation of the town of Salisbury, and to amend an act, entitled "An act for the better regulation of the town of Halifax."

I. **B**E it enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, That the Commissioners of the town of Salisbury or a majority of them, shall annually appoint a proper person to collect the tax of the said town agreeable to the assessment made by the assessors appointed by the court of the county of Rowan; and the person so appointed, before he enters on the execution of his office, shall enter into bond with sufficient security in a sum not less than one hundred pounds lawful money of this state, to the Commissioners of the town and their successors, for the faithful discharge of his duty; and in case the person so appointed shall refuse to serve or fail to give security as aforesaid, the said Commissioners shall and may proceed to nominate and appoint any other person who may be willing to act and enter into bond with security in manner as aforesaid; and the collector so appointed shall and he is hereby empowered, directed and required to collect the taxes, and pay the same to the Treasurer of the said town on or before the first Monday in August in every year, after deducting such commissions as may be allowed him by the board, for his trouble in making such collection: And if any such collector shall neglect or refuse to account for on oath, and pay the several taxes wherewith he is chargeable according to the directions of this act, after deducting his commissions, it shall and may be lawful for the superior court of Salisbury district, or the county court of Rowan, on motion of the Commissioners or a majority of them, or on motion of the Treasurer of the town on their behalf, to give judgment against such collector and his securities for all monies wherewith he shall or may be chargeable to the town, with costs of suit; and thereupon award execution against the body or against the goods and chattels, lands and tenements of such collector and his securities. *Provided always*, That the collector shall have ten days previous notice of such motion.

II. *Be it further enacted*, That in all acts of the said Commissioners a majority of them shall constitute a quorum, except for the purpose of laying taxes, in which case the attendance of the whole number shall be requisite: And if any Commissioner shall after notice or summons subscribed by three of the Commissioners, and countersigned by the Clerk, such notice and summons to contain the time and place of meeting, and to be left at his dwelling-house twelve hours at least previous to such meeting, fail or neglect to give his attendance, he shall forfeit and pay the sum of twenty shillings for every such failure or neglect, unless prevented by sickness or such other cause as shall be satisfactory to a board of the Commissioners, to be recovered before the Magistrate of the Police of the said town, or any Justice of the Peace of the county, and applied to the use of the town; and the said Commissioners shall meet at least once in every two months.

III. *Be it further enacted*, That the Treasurer of the said town shall annually in the month of January publish an accurate account of the taxes levied and collected in said town, together with a list of each sum expended, to whom paid, and for what purpose: And the Treasurer failing to comply with the same shall forfeit and pay the sum of twenty-five pounds, to be recovered by any inhabitant of the town who shall sue for the same within six months thereafter, before any jurisdiction having cognizance thereof, one half to the person suing for the same, the other half to be paid to the Commissioners of the town for the use of the said town.

IV. *Be it further enacted*, That all persons who shall have resided six months in the said town, shall be subject to the payment of taxes.

H

V. Be

1794

V. *Be it further enacted*, That if it shall hereafter happen by the neglect of the Sheriff or other cause that the election of Commissioners cannot be held on the day appointed by law, it shall be the duty of the Magistrate of Police, or any three of the Commissioners of the preceding year, to notify the people of the town by advertisement at the court-house of the failure of the annual election, and the cause thereof; at the same time requiring them to attend at the court-house on a day therein to be appointed, for the purpose of giving their suffrages for five suitable persons to act as Commissioners, and one suitable person, being a Justice of the Peace, to act as Magistrate of Police for the year in which the failure shall so have happened: Which election shall be opened and held in the same manner, and the persons elected shall possess the same qualifications, powers and authorities, and be subject to the like restrictions and penalties, and perform the same duties as if they had been elected on the day prescribed by law for that purpose.

VI. *Be it further enacted*, That if any of the Commissioners of the town of Salisbury should hereafter refuse to act, remove out of the town, or die, before the next annual election, the remaining Commissioners are hereby authorized and required to choose others in the room and stead of those dying, removing or refusing to act as aforesaid; which Commissioners so chosen and qualifying according to law, shall have and possess the same powers as the Commissioners had a right to exercise in whose room and stead they were appointed, and in all cases be subject to the like restrictions and penalties.

And whereas disputes have arisen in the town of Halifax, respecting partition fences and paleings:

VII. *Be it enacted by the authority aforesaid*, That the Commissioners of the said town of Halifax, or a majority of them, shall have full power and authority to make such laws and regulations respecting dividing or partition fences or paleings as to them shall appear necessary to quiet such disputes, and do justice between the parties interested.

C H A P. LXXIV.

An Act for the better regulation of the town of Wilmington.

I. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the Commissioners of the town of Wilmington, shall at their first meeting after the first day of May next, proceed to elect by ballot one of their body as a Chairman, who shall be styled the Magistrate of Police, and shall set as Chairman in all the town meetings hereafter to be held. In case the ballots for said Chairman shall be equally divided, the Town-Clerk shall determine the election; and all orders and proceedings of the Commissioners of said town, shall be signed by the Magistrate of Police so elected. In case of the death, removal or refusal to act of the said Magistrate, the Commissioners of said town may proceed to elect some other of their body, in manner and form herein directed, to the office of Magistrate of Police. *Provided nevertheless*, That nothing herein contained shall exclude the Commissioners of said town, or any one of them, from exercising all and singular the powers and authorities with which they or either of them have been heretofore vested. And the Commissioners of the said town hereafter to be elected, shall at their first meeting after every annual election, proceed to the appointment of a Magistrate of Police in the manner herein mentioned, who shall be vested with all the powers hereby annexed to the office of said Magistrate.

II. *And be it further enacted*, That whenever three householders in the said town, or the representative of the same, shall deem it necessary to have a town-meeting called, application shall be made to the said Magistrate of Police, who shall, by a public notice (which said notice shall be countersigned by the Town-Clerk) convene the inhabitants of the said town at such time and place as he may think proper; and in case of the absence or indisposition of said Magistrate, application shall be made to any three or more of the Commissioners, who are hereby empowered to call such town-meeting, by a public notice countersigned by the Town-Clerk, at such time and place as they may think proper.

C H A P. LXXV.

An Act to facilitate the navigation of Roanoke River from Blountsville in Martin county, to Cedar-Landing in Bertie county.

WHETHERAS the navigation of the said river is greatly obstructed by logs and other litter, which lies concealed under the water at that season of the year when navigation business becomes much in demand, and frequent instances occur of whole cargoes being lost in consequence thereof:

I. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the county courts of Martin and Bertie shall at their first meeting after the first day of May next appoint two Commissioners, one for each of the said counties of Martin and Bertie, whose duty it shall be to draw two maps of the said river from Blountsville to Cedar-Landing, the two places before mentioned; and furthermore the said Commissioners shall lay the river off into districts, which shall be by them as nearly as possible apportioned to the two counties, and each of them are hereby directed to report to their county courts respectively an accurate plan or statement of their proceedings; and they and each of them shall receive for every day's service the sum of twenty shillings, to be paid out of the county tax of their respective counties: And when it shall so happen that either of the said Commissioners appointed by virtue of this act, shall refuse or neglect to comply with the duties hereby enjoined, he or they so refusing or neglecting shall forfeit and pay the sum of five pounds to be recovered before any jurisdiction having cognizance thereof, one half to be paid to the County Treasurer for the use of the county, the other half to the use of the person who shall sue for the same. *Provided*, This penalty shall not affect any person as a Commissioner, who shall not have accepted the appointment in open court.

II. *And be it further enacted*, That in case of death or inability to act of either of the said Commissioners, the court or courts respectively shall, at their next sessions, proceed to appoint another or others, who shall be under the same restrictions as by this act directed.

III. *And be it further enacted*, That the county courts of Martin and Bertie respectively are hereby authorized and directed, as soon as the said Commissioners shall make their respective returns, to appoint one overseer for each district that shall be apportioned by the said Commissioners, to each of the counties aforesaid; and the said overseer in each of the said counties, when so appointed, shall call together the hands allotted to each of them, for the purpose of working on the said river at least six and not exceeding ten days in each year; and the said overseers are hereby directed to remove all trees, logs and snags that may tend to obstruct the said navigation.

IV. *And be it further enacted*, That each and every overseer appointed by virtue of this act, shall be under the same rules, regulations and restrictions as overseers appointed to work on public roads.

V. *And be it further enacted*, That it shall be the duty of each of the said county courts respectively, as soon as may be, to allot and set off to each of the said overseers, such number of hands as they may deem adequate to the business; which hands when so allotted, shall be under the same penalties and restrictions as those who work on public roads.

VI. *And be it further enacted*, That all overseers and hands so appointed, shall stand exempt from working on all public roads.

VII. *And*

VII. *And be it further enacted*, That all persons who shall after the first day of May next, cut or fall trees into the river aforesaid, and within the bounds before mentioned, so as to obstruct the navigation thereof, shall forfeit and pay the sum of ten pounds, to be recovered in a summary manner before any Justice of the Peace having cognizance thereof, one half to the informer, the other half to the County Treasurer, for the use of the county where such fine or fines may accrue.

C H A P. LXXVI.

An Act to emancipate Jack, alias Jack Small, a person of colour.

WHEREAS Jemima Barrs, a free woman of mixed blood, hath represented to this General Assembly, that she hath purchased a certain Jack Small, for a valuable consideration, and since hath become his legal wife: And whereas the said Jemima Barrs hath petitioned this General Assembly to emancipate and set free her said husband, Jack Small aforesaid:

I. *Be it therefore enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, That the aforesaid person of colour Jack Small, shall henceforth be emancipated and absolutely set free, by the name of Jack Small; and be entitled to all the privileges and immunities which free people of colour enjoy and possess in this state, any law to the contrary notwithstanding: *Provided nevertheless*, That nothing in this act contained shall affect the claim or claims of any other person or persons, either in law or equity, except the claim of the said Jemima Barrs.

C H A P. LXXVII.

An Act to establish and regulate a toll-road through the Great-Dismal Swamp, between the Head of Perquimans and Little-Rivers; and to grant to Jesse Perry an estate therein for the term of twenty-five years.

WHEREAS sundry persons have by subscription done much labour on said road, and it requires much labour to keep the same in repair, and sundry persons who were subscribers towards making said road, having signified to this General Assembly by petition, their desire that the said road should be vested in Jesse Perry, for the purpose of keeping the same in repair:

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, That for and in consideration of the trouble and expence which the said Jesse Perry may be at in keeping said road in repair, the said road with all the profits, shall be and the same are hereby vested in the said Jesse Perry, his heirs and assigns, for the term of twenty five years; and it shall and may be lawful for the said Jesse Perry, his heirs, executors, administrators or assigns, to set up a gate on any part of the said road, and at all times when the same shall be fitting for the safe passage of horses and carriages, demand and receive at the said gate, except as hereafter excepted, the following tolls or rates, *to wit*, For every man and horse, the sum of one shilling; for every head of black cattle or single horse, the sum of six pence; for every sheep or hog, the sum of one penny; for every carriage-wheel of pleasure, the sum of one shilling; and for every wheel of every other carriage the sum of four pence.

II. *And be it further enacted by the authority aforesaid*, That in case of refusal to pay the said tolls, at the time of offering to pass the said toll-gate, to be erected as above mentioned, and previous to passing the same, the collector or toll-keeper, or the proprietor of the said toll, may lawfully refuse passage to any person or persons so refusing payment; and if any person or persons shall pass without paying the same, the collector, toll-keeper or proprietor of the said road may recover the full amount of the tolls above mentioned with costs, before any Justice of the Peace in the county where the offender may be taken. *Provided nevertheless*, That all persons who have subscribed or done labour towards making said road, shall be at liberty at all times to pass the said road or gate, free from paying any toll, until the subscription by him or them so subscribed, shall be exhausted, rating each passage at the same rate that others pay who were not subscribers.

III. *And be it further enacted*, That in consideration of the tolls hereby granted, the said Jesse Perry, his heirs and assigns, shall forever after the said gate is set up, keep the said road in good and passable order for carriages and horses; and in case of neglect any person or persons shall be entitled to recover any damage which they may sustain by the said road being out of repair, before any jurisdiction having cognizance thereof.

IV. *And be it further enacted*, That the said toll-road shall be esteemed and taken as a public highway, on payment of the tolls imposed by this act.

C H A P. LXXVIII.

An Act to establish Fairs at the town of Rockford in the county of Surry, at South Washington in the county of New-Hanover, and at the plantation of James Campbell in Cumberland county, on Little River; and for altering the times of holding the Fairs at Huntsville, in the said county of Surry.

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, That a fair shall be established at the town of Rockford in the county aforesaid, to begin on the third Friday and Saturday in May, and the second Friday and Saturday in September, in each and every year.

II. *And be it further enacted*, That Joshua Freeman, Jeffry Johnston, Reuben Grant, Daniel Bills and William Johnston, be and they are hereby constituted and appointed Managers of said fair; and in case of death, refusal or removal of any of the said Managers, a majority of those remaining may appoint one or more Managers in the room or place of him or them who shall refuse to act as aforesaid, who shall have the same powers and authorities as those appointed by this act.

III. *And be it further enacted*, That a fair be established at James Campbell's plantation in Cumberland county, on Little River, and in New-Hanover county, in the town of South-Washington, each to be held on the first Tuesdays annually in the months of May and November, and to continue three days at each place.

IV. *And be it further enacted*, That George Elliott, Daniel Cameron, Malcomb Brice, Hector M'Niel, and Niel Munro, for the county of Cumberland, and William Jones, James Phebus, William Wright, Timothy Bloodworth, jun. and Thomas Murry, for the county of New-Hanover, be and they are hereby constituted managers of said fairs in their respective counties; and in case of death, removal or refusal to act of any of the said managers, a majority of the remaining managers may appoint other managers in the room of those removing, refusing or dying.

V. *And be it further enacted*, That all citizens of the United States shall have and enjoy the privilege of selling, exchanging and bartering their produce, manufactures and other commodities at the fairs hereby established, agreeably to the regulation of other fairs in this state, and the laws of the same.

VI. *And be it further enacted*, That the fairs to be hereafter held at the town of Huntsville in the said county of Surry, shall be held the first Friday and Saturday in May and October in each and every year, any law to the contrary notwithstanding.

1794

C H A P. LXXIX.

An Act for the better regulation of the town of Fayetteville.

I. **BE** it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That the Magistrate of Police of the said town, shall in the month of December, in the year one thousand seven hundred and ninety five, and in every month of December thereafter, call together the Commissioners of said town; whose duty is hereby declared to be, to divide the said town into seven wards, each of which wards to contain as nearly as may be an equal number of freemen and freeholders resident within the limits of the said town.

II. *And be it further enacted,* That each of the wards laid off as aforesaid, shall be entitled to a representation of one Commissioner for said town, to be annually elected at the time prescribed by law, at an election to be held by the Magistrate of Police for the time being, who is hereby directed to hold the said elections within the said wards, at some house most central and convenient, and to advertise the said election at least five days before the time of holding the same; and the qualifications of the electors are hereby declared to be the same as heretofore provided by law; and the Magistrate of Police shall exercise the same powers and authorities with regard to the manner of conducting such elections as were incident to the Sheriff of the county.

III. *And be it further enacted,* That the taxes of the said town shall be laid in such manner and collected within such period as a majority of the Commissioners shall prescribe; and all persons who have resided six months within the said town shall be liable to the payment of taxes.

C H A P. LXXX.

An Act to enable Peter Mull, late Sheriff of Burke county, to collect the arrears of taxes due to him as Sheriff.

I. **BE** it enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, That Peter Mull, late Sheriff of Burke county, shall be and is hereby vested with full power and authority to collect the arrears of taxes due to him as Sheriff, for the years one thousand seven hundred and ninety and one thousand seven hundred and ninety one, in as full and ample manner as he possessed the same when Sheriff of the said county. *Provided,* That this act shall cease to be in force from and after the first day of January next.

C H A P. LXXXI.

An Act to carry into effect the petition of John Naylor, by granting him a divorce from his wife Martha.

WHEREAS John Naylor hath petitioned this General Assembly, praying to be divorced from his wife Martha, and the said John hath shewn good and sufficient cause for the same:

I. *Be it enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this act the said John and Martha shall be divorced from the bonds of matrimony, in the same manner as if their marriage had never been solemnized; and the said John and Martha are hereby divorced as aforesaid.

II. *And be it further enacted,* That Thomas Armstrong, John Sibley and John Ingrain shall be and they are hereby appointed Commissioners, who shall on or before the fifteenth day of February next, call upon the said John Naylor to deliver unto them, or any two of them, an estimate on oath, of the amount of his property at the time of his separation from his wife Martha, exclusive of the debts he owed; and half the sum of the value thereof shall be delivered or paid to the said Martha, who in case of failure may sue for the same.

C H A P. LXXXII.

An Act to appoint Commissioners to settle with the late Sheriffs of the counties of Lenoir and Glasgow, for the monies by them collected for the purpose of building a court-house, prison and stocks, and other purposes therein mentioned.

WHEREAS it hath been represented to this General Assembly, that the late Sheriffs of the counties of Lenoir and Glasgow hath not fully settled and accounted for the monies by them collected for the purpose of building a court-house, prison and stocks in the county of Glasgow, and prison and stocks in the county of Lenoir, agreeable to the true intent and meaning of an act, entitled "An act for dividing the county of Dobbs," passed in the year one thousand seven hundred and ninety-one:

I. *Be it therefore enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That Jesse Aldridge and William Ormond be and they are hereby appointed Commissioners for the county of Glasgow; and that Bryant Whitfield, Frederick Jones and James Bright, sen. be and they are hereby appointed Commissioners for the county of Lenoir; and the said Commissioners shall attend, or a majority of them, provided that the said James Bright and one of the said Commissioners from each county at least be present, at the dwelling-house of James Bright, sen. in the county of Lenoir, on some day by them to be fixed on between the first and tenth day of March next, or as soon as may be after that time; at which time they shall notify the Sheriffs of the said counties of Lenoir and Glasgow who hath received any of the said monies, to attend on said day so appointed, to account for and shew on oath what monies hath been by them collected for the purpose of building a court-house, prison and stocks for the county of Glasgow, and a prison and stocks for the county of Lenoir, by virtue of an act passed at Newbern in the year one thousand seven hundred and ninety-one, entitled "An act for dividing the county of Dobbs:" And that it shall be the duty of the Commissioners herein before appointed to call on the late Commissioners in the said counties of Lenoir and Glasgow, who were appointed to contract for and have the buildings herein before mentioned finished and completed, to shew what balance may be sufficient to complete the same; and it shall also be their duty to make a fair statement to the Commissioners by this law appointed, of the monies already collected, as also the sums appropriated; and on receiving such statement shall make report of the same to the Justices of the counties of Lenoir and Glasgow at the next term to be held for each county, and also what further sum they may deem sufficient to complete said building.

II. *And be it further enacted by the authority aforesaid,* That when the Justices of the said county of Lenoir, and the Justices of said county of Glasgow, shall receive such report, they are hereby authorized to lay such further tax, on the taxables and taxable property in each of said counties, as may be deemed sufficient to defray the charges herein before mentioned, not to exceed the sum of two mingles on every poll, and eight pence on every hundred acres of land, and two shillings on every hundred pounds value of town property in the said counties of Lenoir and Glasgow, for the year one thousand seven hundred and ninety five; which sums shall be appropriated to the use of finishing and completing the public buildings for the said counties of Lenoir and Glasgow; which said tax shall be collected by the Sheriff of each county, and accounted for in the same manner and under the same restrictions as are prescribed for collecting and accounting for public taxes, and the tax heretofore laid for defraying the expences of the said buildings.

And whereas it appears that the County Trustees for the late county of Dobbs, for the year one thousand seven

seven hundred and eighty-seven, one thousand seven hundred and eighty-eight, one thousand seven hundred and eighty-nine, one thousand seven hundred and ninety, and one thousand seven hundred and ninety-one, have failed to settle and account for the application of the monies which they respectively have received: And as some doubts have arisen whether the county court of Lenoir have power to call them to account,

III. *Be it therefore enacted by the authority aforesaid*, That the Justices of the county court of Lenoir be, and they are hereby empowered to call to account the Trustees aforesaid for all monies which they respectively may have received; and in case either of the said Trustees shall fail to settle and account as aforesaid, then it shall and may be lawful, in the name of the Chairman of the county court of Lenoir, to enter judgment in said court of Lenoir against such delinquent Trustees and his securities, after giving ten days previous notice, and award execution accordingly: And the monies when so collected, shall be applied to the reimbursing each of the counties of Lenoir and Glasgow the debts due from the late county of Dobbs at the time of the division, which they may have respectively paid and discharged, and the balance equally divide between the two counties of Lenoir and Glasgow, to be applied in lessening their respective county taxes.

C H A P. LXXXIII.

An Act to establish a ware-house for the inspection of hemp in the town of Fayetteville.

WHEREAS the culture of hemp is likely to be promoted by the establishment of a warehouse for the inspection of the same:

I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the Commissioners of the said town are hereby empowered and directed to contract in such manner as they may think proper for a convenient lot or lots of land, and also to contract for the erecting a house proper for the reception of hemp, regard being had to its remote and safe situation from other buildings.

II. *And be it further enacted*, That the county court of Cumberland shall at their sessions which will be in April next, appoint two discreet persons, acquainted with the qualities of hemp, to be inspectors of the same, who shall hold their office during good behaviour, and shall give bond with good security in the sum of two thousand pounds, payable to the Governor for the time being, and conditioned for the faithful discharge of their duty; which bond may be put in suit by any person injured, without assignment from the Governor.

III. *And be it further enacted*, That the said Inspectors shall receive from the owner at the rate of one shilling for every hundred weight of hemp inspected, and all hemp inspected as aforesaid shall be held and deemed merchantable.

C H A P. LXXXIV.

An Act for the better regulation of the town of South-Washington.

WHEREAS the Commissioners for the aforesaid town live at so remote a distance that a majority cannot be collected with convenience to order the inhabitants to work on the streets: For remedy whereof,

I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the inhabitants of the said town shall hereafter be liable to work on the public roads in the district, under the direction of the overseer, who is hereby authorized and commanded to compel the inhabitants of said district to keep in order the streets of the said town, particularly the back street, from the main road in a straight direction to the upper part of the street, and from the lower end the most direct way to the public road, which shall be kept in passable order for carriages; also the marked street to the river, under the same fines and forfeitures inflicted by law, for neglect in working on the public roads, any law, usage or custom to the contrary notwithstanding; and that all acts and parts of acts that come within the meaning and purview of this act, be and they are hereby repealed and made void.

C H A P. LXXXV.

An Act to remove disabilities from certain persons therein mentioned.

WHEREAS Joseph Wood, of Robeson county, hath issue by his present wife Sarah, four children, to wit, William, Ann, Joseph and Sarah, since which doubts have arisen of the legality of the marriage of the said Joseph, and that the issue thereof may be made illegitimate so as to be deprived of taking or holding property by descent from their father as aforesaid: For remedy whereof,

I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the aforesaid William, Ann, Joseph and Sarah, the issue of the marriage aforesaid, as well as those who may hereafter be born of his said wife Sarah, are hereby declared to be the legal descendants, heirs and representatives of him the said Joseph, who shall and may claim, take, hold, possess and enjoy by descent, devise or otherwise, all estate both real and personal, as they being the legal representatives of him the said Joseph, in law or equity, may be entitled to; and as such may sue or be sued, plead and be impleaded, and possess every right, privilege of advantage as fully and amply to all intents and purposes as if no doubts had been suggested or disabilities had existed, any law, usage or custom to the contrary notwithstanding.

C H A P. LXXXVI.

An Act to regulate the taking of fish with seines in Blount Creek in Beaufort county.

WHEREAS it is represented to this General Assembly, that certain persons by extending their seines quite across Blount Creek in Beaufort county, so as to obstruct the passage of fish, to the prejudice of a number of the inhabitants adjacent to said creek:

I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That from after the passing of this act it shall not be lawful for any person or persons to haul or work more than one seine in the same place at the same time, or to stretch a seine across the said creek so as to hedge the same, under the penalty of forfeiting fifty pounds, to be recovered to the use of the person suing for the same, before any jurisdiction having cognizance thereof.

C H A P. LXXXVII.

An Act to appoint Commissioners to contract for and purchase two half acre lots in the town of Smithfield and county of Johnston; and also to contract for the rebuilding of the court-house, prison and stocks thereon.

WHEREAS it hath been represented to the General Assembly that the land whereon the present court-house, prison and stocks of said county now stand, has not yet been purchased for the use of said county:

I. *Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That John Bryan, Reuben Sanders, Everitt Pearce, Hardy Bryan, William Avera, Thomas Gray and Joseph Boona, or a majority of them, be appointed Commissioners for the purpose of contracting for and purchasing, and taking in fee simple, to the use of the county of Johnston, two half acre lots

1794

in the said town of Smithfield; and also to contract for the rebuilding of the court-house, prison and stocks thereon, for the use of the said county of Johnston.

And to defray the expences of said purchase and rebuilding the court-house, prison and stocks aforesaid:

II. *Be it further enacted*, That it shall and may be lawful for the county court of Johnston to lay a tax, not exceeding four shillings on the poll, and a tax not exceeding one shilling and four pence on each hundred acres of land, and a tax not exceeding four shillings on each hundred pound's value of town property; which taxes when collected, shall be paid to the Commissioners by this act appointed for the purposes aforesaid: And the said Commissioners shall give bond in the sum of four thousand pounds; to account with the court of said county for all monies which they may receive in virtue of this act; and if any surplus should remain in their hands after defraying the expences of the said land and buildings, it shall remain subject to the order of the said county court. That when a majority of the Justices of said county shall judge that the court-house to be erected pursuant to this act, is fit for their reception, they are hereby empowered to adjourn the court of the county to the said court-house, where the courts of the said county shall thereafter be held.

III. *And be it further enacted*, That an act to empower the county court of Johnston, to lay a tax annually in the said county, for the purpose of repairing the court-house, prison and stocks, and defraying the contingent charges of said county, passed at Fayetteville, in the year one thousand seven hundred and ninety-three, be and the same is hereby repealed.

C H A P. LXXXVIII.

An Act to amend an act, entitled "An act for building a court-house in the town of Wilmington, for the district of Wilmington; and to empower the Justices of New-Hanover county to increase the county tax."

WHEREAS doubts have arisen respecting the continuation of the said act, whereby the district tax has been unequally collected:

I. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the Commissioners appointed for carrying the aforesaid act into effect shall have, and they are hereby invested with full power and authority, and are strictly required, to recover from any of the Sheriffs of the district aforesaid, in the manner prescribed for the recovery of public taxes, all such sums of money as may or ought to have been collected by any of the said Sheriffs who received part of the said tax in any one year, so that the said Sheriff, or late Sheriff, or in case of death his securities, shall be obliged to complete the collection of any year such Sheriff did begin under the said law; but where the Sheriff of any county in said district did not attempt to collect any part of the said tax from a doubt of its continuance, then the Sheriff of the counties which have not paid up their quota of the taxes, and who shall be in office between the time of passing this act and the third Monday in April next, shall, and they and each of them are required to, collect the arrearages of the district tax, so as to complete the payment in each county of three years taxes, under the same rules and penalties as are mentioned in the aforesaid act, and to pay the same to the Commissioners in the said month of April.

II. *And be it further enacted*, That the Sheriffs who shall collect the public tax for the year one thousand seven hundred ninety-four, shall at the same time collect one year's district tax for carrying on the building of the said court-house, agreeable to the directions and penalties in said act; and the said Commissioners are hereby empowered and particularly required to recover in the manner specified in the afore recited act, from the said Commissioners all such sums of money as remain or ought to remain in their hands unappropriated towards the building of the gaol in the district aforesaid.

III. *And be it further enacted*, That the Commissioners of the said court-house shall on or before the sixteenth day of May, one thousand seven hundred and ninety-six, produce an account of their receipts and expenditures, and their settlement with the gaol Commissioners, to Benjamin Smith, Daniel Glisson, Joshua Grainger Wright, Joseph Scott Cray and Robert Scott; who are hereby appointed a board to examine the same; and they, or two-thirds of them, with the court-house Commissioners, or two-thirds of them, shall meet together at Wilmington, on the twenty-first day of May, 1796; and if the said Commissioners, or two-thirds of each board, shall deem a further sum necessary for completing the said court-house, they are hereby jointly authorized and empowered, to direct an order signed by each of them, to the Sheriffs of the respective counties in said district (who are hereby severally directed to obey the same) requiring them to collect the court-house tax for the year one thousand seven hundred and ninety-five, under the rules, regulations and penalties, prescribed by the act heretofore recited; and the said Commissioners of the court-house are required to account with and pay to the Commissioners in this act named, on or before the first day of January, one thousand seven hundred and ninety-seven, any balance which may or ought to remain in their hands after a proper settlement with the Sheriffs and gaol Commissioners, under the penalty of the same being recovered in like manner as recovery is to be had from the Sheriffs by said act: And the said herein appointed Commissioners are hereby directed, in case of death, removal or refusal to act, to elect some other person out of the same county, to which such Commissioner dying, removing or refusing to act belonged: And they are respectively empowered to call to account the said court-house Commissioners, and to receive from them such balances of the monies remaining, or which ought to remain in their hands, as are agreeable to the proportions paid in by each county; and which balances they are required forthwith to pay to the Treasurer of their several counties, towards lessening the county tax of the same respectively.

C H A P. LXXXIX.

An Act to alter the names of certain persons therein mentioned.

WHEREAS application hath been made to the General Assembly, to alter the names of Marcus Barrow, Joel Barrow, Alpha Barrow and Lydia Barrow, illegitimate children of Marcus Stokes, of Pitt county, to those of Marcus Stokes, Joel Stokes, Alpha Stokes and Lydia Stokes. And that of William Hightower, of Buncombe county, to that of William Hightower Ragdale. And those of Josiah Garner and Tobias Garner, natural born sons of William Holleman, of Johnston county, to those of Josiah Holleman and Tobias Holleman. And those of Sterling Wood and Nathaniel Wood, illegitimate sons of Edward Harris, of Orange county, to those of Sterling Harris and Nathaniel Harris. And those of Robert Clarke, Abel Clarke, Keshiah Clarke, Lydia Clarke, Lucretia Clarke and Tabitha Clarke, illegitimate sons and daughters of Benjamin Taylor, of Brunswick county, to those of Robert Taylor, Abel Taylor, Keshiah Taylor, Lydia Taylor, Lucretia Taylor and Tabitha Taylor. And Henry Perry, an illegitimate son of James Wood, of Orange county, to that of Henry Wood. And that of Thomas Hoiler, of Randolph county, to that of Thomas Elliott. And that of John Debruits, son of Gabriel Debreits, of Cumberland county, to that of John Debruits Montgomery. And that of Obadiah Kandal, of Randolph county, to that of Obadiah Williams. And that of James Arnold, of Craven county, to that of James Cox. And that of James Smith and Nicholas Smith, sons of Smith, now the wife of James Crandal, of Beaufort county, to that of James Crandal and Nicholas Crandal. And that of Redding Johnston, of Johnston county, to that of Redding Sauls. And that of Zachariah Foreman, the illegitimate son of John Eburne, of Hyde county, to that of Zachariah Eburne:

L. E.

I. Be it therefore enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, that Marcus Barrow, Joel Barrow, Alpha Barrow and Lydia Barrow, shall be called and known by the name of Marcus Stokes, Joel Stokes, Alpha Stokes and Lydia Stokes; and William Hightower, by that of William Hightower Ragdale; and Josiah Garner and Tobias Garner, by the names of Josiah and Tobias Holleman; and Sterling Wood and Nathaniel Wood, by the names of Sterling Harris and Nathaniel Harris; and Robert Clarke, Abel Clarke, Kefiah Clarke, Lydia Clarke, Lucretia Clarke and Tabitha Clarke, by the names of Robert Taylor, Abel Taylor, Kefiah Taylor, Lydia Taylor, Lucretia Taylor and Tabitha Taylor; and Henry Perry, by the name of Henry Wood; and Thomas Hoffer, by that of Thomas Elliott; and John Debruits, by that of John Debruits Montgomery; and Obadiah Randal, by that of Obadiah Williams; and that of James Arnold, by that of James Cox; and that of James Smith and Nicholas Smith, by the names of James Crandal and Nicholas Crandal; and Redding Johnston, by the name of Redding Sauls; and Zachariah Foreman, by the name of Zachariah Eborne: And by those names shall have a right to inherit and claim any estate either real or personal which may be devised to them, or either of them: Also by the said names they shall and may sue and be sued, plead and be impleaded in any court of law or equity; and they may by their respective names aforesaid, sell and dispose of land or other property, already or hereafter to be acquired, either by will, devise, donation, grant, purchase or otherwise: And finally in all things the said persons respectively, shall be able and capable in law or equity, of negotiating and transacting all manner of business by their respective names herein before mentioned, in as full and ample a manner as if they had been called and known by no other names from the time of their nativity; any law, usage or custom to the contrary notwithstanding.

II. And be it further enacted, That from after the passing of this act, the respective county courts within this state, shall have full power and authority to alter the name or names of any person or persons on application; which shall be considered as good and valid in law, to all intents and purposes, as if the same were done by act of Assembly.

C H A P. XC.

An Act for erecting a town on the lands of John Campbell in Bertie county, on Chowan river.
WHEREAS it is represented to this General Assembly that the land of John Campbell, known by the name of Lazy-Hill, in Bertie county, is a pleasant healthy situation and conveniently situated for trade and commerce; and the said John Campbell having signified his consent and wish to have a town erected thereon;

I. Be it enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, That one hundred and ten half-acre lots, with convenient streets and lanes, and twenty-five acres of common, all to be laid off and arranged by the Commissioners herein after appointed, on such part of the aforesaid land as the said John Campbell shall consent to appropriate to that use, are hereby constituted and established a town, and shall be called by the name of Colerain.

II. And be it further enacted, That James Campbell, Nathan Harrell, Willis Sawyer and James Wilton, be and they are hereby constituted Commissioners for the said town, and they are hereby vested with an indefeasible estate in fee simple, in the lands so to be laid off and arranged, to and for the uses, intents and purposes hereby declared.

III. And be it further enacted, That as soon as the whole of the said lots shall be subscribed for, the said Commissioners, or any three of them, shall appoint a time, and give public notice thereof, for the subscribers to meet and determine the property of each particular lot; and the method of ascertaining the right shall be by drawing lots therefor, under the directions and in the presence of the said Commissioners, and each subscriber shall be entitled to the lot or lots which shall be drawn for or by him; and the said Commissioners, or any three of them, shall make and execute deeds for conveying the lots in the said town to the respective subscribers for the same, their heirs and assigns forever, at the proper cost and charge of the grantee or grantees to whom the same shall be conveyed.

IV. And be it further enacted, That the respective subscribers for lots in the said town, shall after it is ascertained to whom the said lots do respectively belong in manner before mentioned, pay and satisfy to the said John Campbell, such sum or sums of money for each lot by him or them subscribed for, as by the original subscription paper they have or may contract to pay; and in case of the refusal or neglect of any subscriber to make such payment and satisfaction, the said John Campbell is hereby authorized to use any and every legal means by suit or warrant to compel payment thereof.

V. And for continuing the succession of the said Commissioners: Be it further enacted, That in case of the death, refusal to act or removal out of the state, of any of the said Commissioners; the remaining Commissioners are hereby empowered, by an instrument in writing under their hands and seals, to appoint another or others in the place of him or them so dying, refusing to act or removing out of the state; and any person so appointed, shall have all the powers of a Commissioner appointed in this act.

C H A P. XCI.

An Act to establish a third battalion, and two separate elections, in the county of Rutherford.

BE it enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the companies of Captain Grant, Captain Young, Captain Carruth, Captain Mills, and Captain Dortan, shall be formed into a separate and distinct battalion, by the name of the third battalion of the Rutherford militia; and shall hold their general musters and courts martial at the dwelling-house of Thomas Waddleton, subject to the same rules and regulations as the other militia of this state.

II. And be it further enacted, That the second battalion of said county shall hold an election for members of the General Assembly, on the Monday before the annual election at the court-house, at the plantation of John Magnels, formerly Laceyfield's, near the Grassy-Branch; which said election shall be opened and held by the Sheriff of the said county, or his Deputy, and conducted in all respects in the same manner, and under the same rules, regulations and restrictions as other annual elections are subject to.

III. And be it further enacted, That the third battalion shall hold an election for members of the General Assembly, at the house of Thomas Waddleton, on the Wednesday before the annual election at the court-house, to be conducted by the Sheriff, or his Deputy, in the same manner as the one authorized by this act to be held by the second battalion.

IV. And be it further enacted, That the Sheriff, or his Deputy, (as the case may be) shall at sunset on each of the days of said elections hereby authorized to be held, cause the votes and scrolls to be duly and fairly counted out, at the same time keeping separate and distinct polls as at other elections; two fair copies of which polls shall be made out by him and signed by the Inspectors of said election; one of which copies shall be kept by the Inspectors as a check on the returning officer, and the other shall be returned by the Sheriff on the last day of the election to be held at the court-house, to be added to the votes which each of the candidates may there have; and the candidate or candidates having the greatest number of votes after such addition is made; shall by the Sheriff be declared to be duly elected.

V. And

1794

V. *And be it further enacted*, That in case any person or persons shall not have it in their power to attend at the election in the second and third battalion, such person or persons shall nevertheless be entitled to give their suffrages at the election to be held at the court house; provided such person shall by his own corporal oath, which the Sheriff is authorized to administer, declare that he has not voted at either of the said elections to be held in the second and third battalions: And in case any person shall take such oath, and be permitted to vote at the said election, after having previously voted at either of the other elections, such person or persons shall on sufficient proof forfeit and pay the sum of twenty pounds, to be recovered by action of debt before any jurisdiction having cognizance thereof, and be appropriated to the use of the county. *Provided nevertheless*, That this act shall not be so construed, as to permit any person to vote at any other election than that held in the battalion where he resides, except as above prescribed.

C. H. A. P. XCII.

An Act to repeal part of an act, passed at Fayetteville, in one thousand seven hundred and ninety-three, entitled, "An act to amend an act to facilitate the navigation of Haw and Deep Rivers."

WHEREAS the operation of the third clause of the said act is found to be oppressive and unequal: *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the said third clause is hereby repealed and made void.

C. H. A. P. XCHI.

An Act emancipate a mulatto girl named Mary, the property of Michael Beam, deceased, late of Rowan county.

WHEREAS by the last will and testament of Michael Beam, deceased, late of Rowan county, it is devised that a mulatto girl, named Mary, the property of the said deceased, should be emancipated:

Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, that the said mulatto girl named Mary, the property of the said deceased, be liberated and set free, and henceforward called and known by the name of Mary German; under which name she shall also henceforward be entitled to all the privileges of a free person of mixed blood in this state; and shall and may receive, hold, enjoy and possess all the real and personal property which she has or may hereafter acquire by the last will and testament of the said deceased, or which she may hereafter lawfully acquire, in as full and ample a manner as if she had been born free, any thing to the contrary notwithstanding.

C. H. A. P. XCIV.

An Act for extending the navigation of Peedee River from the South-Carolina line, up to the mouth of Ubaree River.

WHEREAS extending the navigation of Peedee River, will be of great benefit to this state:

Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Charles Hinson, Joseph Ingram, Elijah Hogan, John Speer, John Wall, James Pickett, junr, John Randall, John Lightfoot, and James Tindle, Esquires, be and are hereby constituted, constituted, and appointed Trustees for clearing said river, from the South Carolina line up to the mouth of Ubaree River: And they are hereby respectively authorized and empowered to take and receive subscriptions for that purpose; and if any person or persons shall neglect, fail or refuse to pay the several sums of money respectively subscribed for that purpose by this act, it shall and may be lawful for the said Trustees respectively, or Undertaker, to sue for and receive the same, in the name of the Trustees, or Undertaker, for clearing the said river whereof they are respectively appointed Trustees, by warrant where the subscription shall not exceed twenty pounds, and by action of debt if any larger sum.

And be it further enacted by the authority aforesaid, That the said Trustees respectively, or a majority of them, shall have full power and authority to contract and agree with any person or persons, for clearing so much of the said river as shall be within this state below the mouth of the said river Ubaree, in such manner as to the said Trustees shall seem most proper; and to remove all hedges, rocks or flops, which the said Trustees shall think may in any wise obstruct the said navigation.

And be it further enacted, That the said Trustees, or majority of them, from time to time, or as often as they shall see occasion, shall and may nominate and appoint one or more of their number willing to undertake the same, to be receiver or receivers of all the monies that shall be subscribed for the purpose of this act, who shall give bond with sufficient security in a reasonable penalty to the Governor for the time being, with a condition that he or they, his or their executors and administrators, at all times when required, shall and will truly and faithfully account with the said Trustees or Undertaker, for all monies which shall come to the hands of such receiver or receivers for the purpose of this act, and pay the same to such person or persons as the said Trustees, or a majority of them who agree to act, shall order and direct.

And be it further enacted by the authority aforesaid, That no hedge, stone or other stop that in any wise obstructs the navigation of the said river, shall be placed or set therein under the penalty of one hundred pounds, one half to the use of the informer, and the other half to the Commissioners aforesaid, to be applied towards carrying this act into effect. And if there be any already erected that may obstruct the navigation of the said river, that the Commissioners or a majority of them, with the contractor, shall have power, and they are hereby authorized and empowered, to pull down the same; any law, usage or custom to the contrary notwithstanding.

C. H. A. P. XCV.

An Act for establishing an academy in Murfreesborough, in Hertford county; and to incorporate the Fayetteville Library Society.

WHEREAS it is the spirit and policy of every well regulated government to promote and establish seats of learning for the advancement and education of youth, and highly worthy the attention of every legislature: And whereas it is represented to this General Assembly, that Murfreesborough in Hertford county, is an eligible situation for establishing an academy:

Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Harry Murfree, James Henry Keys, Thomas Figures, Thomas Wynns, Gudwin Cotten, Robert Montgomery, Thomas Bitt, James Maney, Lewis Meredith, John Maget, Benjamin Cokely, and Jethro Darden, and their successors, to be elected in manner and form as hereafter directed, be and they are hereby nominated and appointed a body politic and corporate, to be known and distinguished by the name of the Trustees of the Murfreesborough academy, and by that name to receive all subscriptions, gifts, grants, gratuities and donations of whatever kind, also all money or monies, or other property real or personal; and the same to hold in special confidence and trust for the use and benefit of the said academy, and agreeably to the intent and meaning of the benefactor or benefactors; and the said Trustees or a majority of them,

them, and their successors, shall have full power and authority in law, as to ask for, demand and receive of each and every subscriber, the respective sum or sums by them subscribed as aforesaid; and in case of refusal or neglect to pay, to sue for and recover the same, in the name of the Trustees, before any jurisdiction having cognizance thereof; and the same when recovered, to lay out and apply to the benefit and advancement of said academy, in such manner as shall best appear to the said Trustees or a majority of them. And for the better securing the application of any subscription or subscriptions, gift, grant, gratuity or donation, or of any other property real or personal whatever, to the use, benefit and behoof of the said academy, agreeably to the intent and meaning of the donor or donors:

II. *Be it further enacted*, That the Trustees herein before mentioned, shall previous to their entering on the execution of the trust reposed in them by this act, enter into bond of one thousand pounds, payable to the Chairman of the county court and his successors, conditioned for the faithful discharge of their trust as aforesaid; and shall be filed with the records of said court: Which bond shall and may be put in suit against the aforesaid Trustees, and their successors, by the name of the Trustees of the Murfreesborough academy, upon breach or neglect of their trust aforesaid, by any subscriber or subscribers, donor or donors, or their heirs, executors, administrators or assigns, in the name of the person or persons to whom made payable, without any assignment thereon.

III. *And be it further enacted*, That the said Trustees, or a majority of them, shall meet annually on the third Monday of October in each and every year, or as often as the President, who is hereby authorized and empowered to convene them, shall deem it necessary; and when met shall have full power and authority to appoint a master or masters; and also to make and ordain such rules and regulations (not inconsistent with law) for the well regulating the students in their morals and academical course as to them shall seem meet: And at all public examinations held at the discretion of the Trustees, the said Trustees, or a majority of them, shall have full power to grant such certificate or certificates, signed by the Secretary and countersigned by the President, to such student or students as in their respective classes shall be thought deserving the same.

IV. *And be it further enacted*, That on the death, refusal to act, resignation, or removal out of the state, of any of the Trustees for the time being, it shall be lawful for the remaining Trustees, or a majority of them; and they are hereby authorized and required to elect or appoint one or more Trustees, in the place of such Trustee or Trustees dying, refusing to act, resigning or removing as aforesaid.

V. *And be it further enacted*, That the said Trustees, or a majority of them, shall have full power and authority to remove the Master or Masters, the Treasurer, or any of them, if they shall think it necessary; and on the death, resignation, or refusal to act of any of them, to provide others in their place.

VI. *And be it further enacted*, That the Trustees appointed by this act, shall have full power and authority annually to appoint a President, Treasurer and Secretary; which Treasurer, before entering upon his office, shall enter into bond of two thousand pounds, to the President for the time being and his successors, for the faithful discharge of his office and the trust reposed in him; and at the expiration of his office shall account with and deliver into the hands of his successor in office, all monies that may be in his hands belonging to the said Trustees; and on failure or neglect so to do, the same remedy shall and may be had against him, as against Sheriffs or other officers holding public monies.

VII. *And be it further enacted*, That the present members of the Fayetteville Library Society, and all persons who may hereafter be admitted into the same, be, and are hereby constituted, a body corporate by the name of the Fayetteville Library Society; and by that name shall have succession, sue and be sued, and may purchase and convey property, and make bye-laws and regulations in all matters relating to the objects of their association, provided the same are not inconsistent with the laws and constitution of the state.

C. H. A. P. XCVI.

An Act to establish a town at the confluence of the Yadkin and Uharee rivers in the county of Montgomery.

WHEREAS the situation at the confluence of the Yadkin and Uharee rivers, is healthy and convenient for trade, and the establishment of a town thereon, would tend to the advantage of commerce, and the county in general:

I. *Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, and as soon as the proprietor of the land at the confluence of the Yadkin and Uharee rivers makes a deed in fee simple to the Commissioners appointed by this act for fifty acres of said land, the same is hereby established a town by the name of Henderson.

II. *Be it further enacted*, That George Davidson, Cary Pritchard, Roland Harris, James Tindal and Thomas Chiles, be and they are hereby appointed Commissioners and Trustees for carrying on and regulating said town of Henderson. And they shall stand seized (whenever the said deed is executed) of an indefeasible estate in fee simple in the fifty acres of land aforesaid, to and for the uses, intents and purposes hereby declared. And the said Commissioners, or a majority of them, (which majority is hereby declared to be a quorum to transact business upon all occasions whatever) shall have full power and authority, and they are hereby required, to meet as often as to them it may seem necessary and convenient, to make such rules, regulations and restrictions for the good government of said town, and prosperity of the same, as they may deem proper and necessary: Which rules, regulations and restrictions shall be binding to all intents and purposes upon the inhabitants therein, as if they were particularly mentioned in this act.

III. *And be it further enacted*, That the said Commissioners or a majority as aforesaid, may divide the said land into such lots as they think proper, and dispose of the same accordingly: And the monies arising therefrom may be collected (in case of refusal or neglect of the person so purchasing to pay) by suit or suits in their names aforesaid, and by them applied as to them may seem most convenient. And in case of death, removal or refusal to act of any of the said Commissioners, the majority of those remaining shall have full power and authority to appoint another or others in his or their stead so dying, removing or refusing to act as aforesaid: Which Commissioner or Commissioners when appointed, shall have and possess all the powers and privileges as if they had been mentioned in this act.

C. H. A. P. XCVII.

An Act granting to the inhabitants of that part of Hyde county, west of Pungo-River, a separate election.

WHEREAS it is represented to this General Assembly by petition, that the peculiar situation of the inhabitants west of Pungo-river, to get to the court-house to give their suffrages for Members to represent them in the Congress of the United States, and in the General Assembly of this state, is found very inconvenient: For remedy whereof,

I. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*; That from after the passing of this act, it shall and may be lawful for the Sheriff or other lawful officer of said county, and he or either of them are hereby authorized and required to hold elections on the Tuesday preceding the general elections for Members of Congress, and annual elections for Members of the General Assembly, on Tuesday preceding the second Thursday and Friday in August, at the plantation

1794

on of Jacob Darden, whereon he now resides on Pantego-creek, for the convenience of the voters residing on the west side of said river; and the ballots to be taken shall be sealed up by the officer holding said elections, in presence of the inspectors, and such of the Candidates as choose to attend; which boxes shall be transmitted by them to the court house, under the care of the officer who held the said election; and at the close of the election at said court-house, the seals shall be taken off the boxes in presence of the inspectors, and the ballots shall be counted out, and the said ballots shall and they are hereby declared to be part of the election of the said county.

11. *And be it further enacted*, That on the second Thursday and Friday in February, biennially for Members of Congress, and annually on the second Thursdays and Fridays in August for Members of the General Assembly, the poll shall be opened at the court-house in Germantown, and the election held for such voters who did not vote at the separate election; and the said elections respectively shall be conducted in every respect agreeable to an act of the General Assembly for holding the annual elections of this state. *Provided always*, That no person or persons residing on the west side of Pungo-river; and that part of the county called Mattamuskeet, shall be entitled to vote at the election held at the court-house, unless he or they make oath that he has not voted before at either of the elections held at the aforesaid places.

C H A P. XCVIII.

An Act for the relief of the executor or executors of William Roberts, late of Chowan county.

WHEREAS it is represented to the General Assembly, that William Roberts, the late Sheriff of Chowan county, hath indulged many of his fellow citizens in giving them longer time for the payment of their taxes; and that considerable sums remain due and unpaid to him for taxes for the years one thousand seven hundred and ninety, ninety-one, ninety-two and ninety-three, although he hath fully settled and paid into the treasury the whole sums which had become due, and should have been paid to him:

1. *Be it therefore enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, That the executor or executors of the last will and testament of William Roberts, late Sheriff of Chowan county, shall be and they are hereby authorized to collect all the arrears of taxes for the years one thousand seven hundred and ninety, ninety-one, ninety-two and ninety-three, that should have been paid and remain due to the said Sheriff. And they the said executors are hereby authorized and empowered to take such means and use every such process towards the recovery of such arrears of taxes as the said testator might legally have taken or used had he been alive and continued in office. *Provided nevertheless*, That nothing in this act shall be construed so as to affect any person that will make oath, that they have paid the said tax or taxes; or be construed so as to affect the estate of any deceased person.

C H A P. XCIX.

An Act to authorize George Keiser of the county of Cabarrus, to extend a mill-dam across Rocky-River.

WHEREAS it is represented to this General Assembly by petition, that permitting George Keiser to extend a mill-dam across Rocky-river, would be attended with great advantage to the inhabitants of that county:

1. *Be it therefore enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, That the said George Keiser, his heirs or assigns, shall have full power and authority to extend the dam already erected across the said river to the opposite bank. *Provided*, The said George Keiser do erect a slope of such construction and form as shall afford a free and easy passage to fish; and such slope to be kept open from the twenty-fifth day of February, to the tenth day of May in each and every year successively.

11. *And be it further enacted*, That if any presentment or complaint shall be made to the county court, that such slope does not afford a free passage to fish as aforesaid, then said court is hereby directed and required to appoint three freeholders, being disinterested men, and residing in the county, to inspect and examine said slope; and if the freeholders aforesaid upon examination and inspection, are of opinion that said slope does not afford a free passage for fish; then on notice given to said Keiser of their opinion aforesaid, if he shall for ten days thereafter continue said slope, and fail to open a gap in the bottom of said dam, of twenty feet in breadth, in the middle of said river; upon such failure or neglect he shall forfeit and pay the sum of one hundred pounds, to be recovered by action of debt, by him or them that shall sue for the same, the one half to the informer, and the other half to be applied to the use of the county.

C H A P. C.

An Act to empower the county courts therein mentioned, to lay a tax for the purpose of destroying wolves and bears in said counties:

1. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*. That the county courts of Richmond, Robeson, Bladen and Cumberland, are hereby authorized and required to lay a tax annually, to be collected in a sum not exceeding six pence on every poll, and two pence on every hundred acres of land, to be appropriated to the purpose of destroying wolves and bears in said counties.

11. *And be it further enacted by the authority aforesaid*, That every person who shall kill a wolf or bear within the limits of any of the aforesaid counties, shall be entitled to receive the sum of two pounds for every grown wolf or bear, and the sum of one pound for every wolf or bear under six months old. *Provided always*, That before any person shall be entitled to receive the bounty hereby granted, such person or persons shall produce to some Justice of the Peace for the county in which such wolf or bear shall be killed, the scalp of such wolf or bear by him killed, and make oath that such wolf or bear was caught and killed within the limits of such county; and every Justice of the Peace before whom such proof is made, is hereby required to destroy all such scalps before him produced, and to give the person so producing, a certificate setting forth the number of scalps, of what description, and what sum such person is entitled to; which sum shall be paid by the county Treasurer of the county, and such certificate shall be a sufficient voucher in the settlement of his accounts with the court. *Provided nevertheless*, That no part of the tax herein before directed to be assessed, shall be appropriated in the county of Robeson to the purpose of destroying bears.

C H A P. CI.

An Act to secure to Abigail Rice, wife of John Rice, such estate as she may hereafter acquire.

WHEREAS it is represented to this General Assembly, that John Rice hath for several years past, abieted himself from his wife Abigail, and attached himself to another woman; and having it in his power to deprive his said wife Abigail, of such estate as she may by her industry or otherwise obtain:

1. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, the said Abigail Rice shall be entitled to enjoy and possess in her sole right, all estate either real or personal, which she may hereafter acquire by purchase or descent,

defect, in as full and ample a manner, as if she the said Abigail had never been married to the said John; 1794
clear from the claim or claims of the said John her husband, or any creditor or creditors of the said John;
and the said Abigail shall and may have full power and authority to sue for and recover in any court having
cognizance thereof, from the said John or any other person or persons, any property or estate which she may
be entitled to, in the same manner as if she the said Abigail had never been married to the said John; any
law, usage or custom to the contrary notwithstanding.

11. And be it further enacted by the authority aforesaid, That from and after the passing of this act, the
said John Rice shall not be answerable for any debt contracted by the said Abigail Rice; any law to the con-
trary notwithstanding.

Read three times and ratified in General Assembly the 7th day of February, 1795.

WILLIAM LENOIR, S. S.
TIMOTHY BLOODWORTH, S. H. C.

Copy. J. GLASGOW, Secretary.

C O N T E N T S.

Page.	Page
An act to raise a revenue for the payment of the civil list and contingent charges of government for the year 1795.	To amend an act, entitled "An act to amend such parts of the act, entitled An act for establishing courts of law, and for regulating the proceedings therein, as may relate to proceedings on attachments; and for amending an act for making process in equity effectual against persons who abscond, and who reside without the limits of the state, and for better regulating the proceedings in the court of equity." 15
To prevent the further importation and bringing of slaves and indentured servants of colour into this state. 1b.	To repeal the third section of an act, passed at Fayetteville in the year 1790, entitled "An act to repeal all acts, clauses and parts of acts of the General Assembly of this state as relate to classing of tobacco." 1b.
More liberally to endow the university of North Carolina, and to secure the titles of certain inhabitants of Mecklenburg county, and other citizens of this state, to certain lands heretofore purchased from Henry Enslace McCulloh.	To ascertain the pilotage, which shall be allowed the pilots at Occacock-Inlet, and the several founts and rivers to which vessels go which come in over said inlet. 1b.
To prevent the owners of slaves from hiring to them their time, to make compensation to patrols, and to restrain the abuses committed by free negroes and mulattoes.	To annex part of the county of Mecklenburg to the county of Cabarrus. 16
For altering and fixing the time of the annual meetings of the General Assembly of this state.	To annex part of the county of Rutherford to Buncombe. 1b.
Ratifying an amendment to the constitution of the United States. 1b.	To amend an act, entitled "An act for regulating ordinaries, houses of entertainment and ferries, and other purposes," passed at Halifax in the year 1779. 1b.
Giving further time for registering grants, proving deeds and mesne conveyances which have not been proved and registered within the time heretofore appointed by law.	To repeal part of an act, entitled "An act to prescribe the mode of paying the militia officers and soldiers for their services on an expedition carried on against the Chicamunga Indians by Brigadier-General Joseph Martin, in the year 1788," passed at Fayetteville in the year 1789; and all acts, parts, or clauses thereof, that has or does empower and authorize the Comptroller to issue certificates for services on any expedition against said tribe of Indians. 18
Prescribing the residence of the Governor of this state.	To erect the militia of Morgan district into a separate division. 1b.
For ceding to the United States the jurisdiction of certain lands on Shell-Castle Island, in the harbour of Occacock.	To establish two places in Halifax county for the purpose of holding general musters. 1b.
To provide for the public safety, by granting encouragement to certain manufactures.	To prevent gaming-tables in the neighbourhood of the university of North Carolina. 1b.
To amend an act, entitled "An act to extend the right of trial by jury to slaves, passed at the last annual session held at Fayetteville."	To explain an act to amend an act, entitled "An act to keep open Roanoke river for the passage of fish up the same, and other purposes therein mentioned," and to repeal part of said act. 1b.
To prevent fraud in the sale of property therein mentioned.	To empower the county court of Surry to lay a further tax, if they deem it necessary, to reimburse the Commissioners with the money by them expended in erecting the public buildings in said county; and to appoint other Commissioners in addition to those heretofore appointed, to dispose of the lots in the town of Rockford in the county of Surry. 1b.
Directing the mode of recovering debts of twenty pounds and under.	To authorise Robert West, administrator of George Lockhart, deceased, late Sheriff of the county of Bertie, to collect the public county and parish taxes for the year 1789, from such of the inhabitants of said county as have not already paid the same. 19
To explain and supply the deficiencies of certain acts of Assembly respecting sales made by executors and administrators.	To alter the time of holding the county court of Glasgow. 1b.
The more effectually to secure the payment of the tax on lands, and to prescribe the duty of the county courts in certain cases.	To empower the county court of Cabarrus to lay a further county tax. 1b.
Making provision for the redemption of the certificate debt of the state.	To repeal the third and fourth sections of an act, entitled "An act for opening and clearing the Yadkin and Pee Dee rivers." 1b.
To prevent the issuing of grants for lands entered with any of the entry-takers of this state in certain cases.	To enable William May, sen. late Sheriff of Anson county; and Lewis Dicken, executor of the last will of Benj. Dicken, late Sheriff of Edgecomb county, dec. to collect the arrearages of taxes due to said Sheriffs. 1b.
To prevent any Justice of the Peace from voting in his own election to the office of Clerk of the county court, Register, Entry-taker, Surveyor, County Trustee or Ranger.	To amend the act for establishing the town of Winton in Hertford county. 22
To amend the act approbating the new great seal of the state, passed at Fayetteville the last annual session. 1b.	
To amend an act, entitled "An act to carry into effect the Ordinance of the Convention held at Hillsborough in July, 1788, entitled "An Ordinance for establishing a place for holding the future meetings of the General Assembly, and the place of residence of the chief officers of the state."	
To empower the several county courts in this state to establish fairs therein.	
To explain and amend an act, entitled "An act to empower the county surveyors to make surveys and returns in the manner therein mentioned."	
To alter and amend part of an act passed at Newbern in the year 1777, entitled "An act for establishing courts of law and regulating the proceedings therein." 1b.	

	Page	Page
To repeal an act, passed at the last session of the General Assembly held at Fayetteville, entitled "An act to divide the militia of Orange county into two separate regiments; and to empower the officers of the militia of said county to divide the militia thereof into two separate regiments; and to divide the militia of Lincoln county into two regiments."	20	26
For establishing a town on the land of Matthew Brooks in the county of Stokes.	ib.	26
To explain and amend an act, entitled "An act to appoint Commissioners for disposing of part of the ground appropriated for the use of the public buildings in the county of Person; and for appointing three jurors to the superior court of Hillsborough."	ib.	27
To amend an act, entitled "An act altering the line between the counties of Lincoln and Burke, and appointing Commissioners to fix on a convenient place in the said county of Lincoln to erect the public buildings of said county, passed at Hillsborough, in April, 1784."	ib.	27
To repeal part of an act passed at Tarborough, in the year 1787, entitled "An act granting to the inhabitants living on the south side of Mecklenburg county, a privilege of holding a separate election for members of the General Assembly."	ib.	28
For the better regulation of the town of Lumberton, and to authorize the Commissioners already by law appointed to sell such lots as may not be claimed within a limited time.	ib.	28
To repeal an act, entitled "An act for the more speedy determining of disputes that have arisen or may hereafter arise in the counties of Rowan, Mecklenburg, Rutherford, Guildford, Lincoln and Rockingham, respecting erecting mill-dams, and to prevent persons from building mills as herein described."	21	28
For levying a tax on the inhabitants of Martin, for the purpose of building a house in said county for the reception and employment of the poor thereof.	ib.	29
To amend the several acts passed for the collection and appropriation of monies for the support of sick seamen as regards the town of Wilmington.	ib.	29
To apportion the number of jurors to be sent from the counties of Mecklenburg and Cabarrus, to Salisbury superior court; & include the county of Cabarrus in the district composed of the counties of Rowan, Mecklenburg and Montgomery, for the purpose of choosing an Elector to vote for a President and Vice-President of the United States.	22	30
To repeal an act passed at Newbern, in the year 1791, entitled "An act to improve the navigation of the Northwest Branch of Cape Fear River."	ib.	30
To extend an act for securing and preserving the titles of the freeholders in the counties of Perquimans, Beaufort and New-Hanover, to those of the counties of Hyde and Onslow.	ib.	31
To empower the Wardens of the Poor in the county of Cabarrus, to receive a proportionate part of the poor tax from the county of Mecklenburg.	ib.	31
For rebuilding the gaol, and erecting a pillory and stocks in the county of Stokes, and to levy a tax to discharge the expence thereof.	ib.	32
To keep open Little-River and Uharee in Montgomery and Randolph counties for the passage of fish.	ib.	32
For the better regulation of the town of Germanton in Stokes county, and to enlarge the same.	ib.	33
To amend an act, entitled "An act for establishing a town at the narrows of Pasquotank River, in the county of Pasquotank," passed at Fayetteville in 1793.	ib.	33
For the regulation of the city of Raleigh.	ib.	34
To alter the time of holding courts in the county of Randolph, and for laying a tax in the said county to repair the prison in said county.	26	34
To empower Daniel Glisson, late Sheriff of Duplin county, to collect the arrearage of taxes due him in said county for the years 1789, 1790, 1791 and 1792.	ib.	35
To confirm the privileges of a certain mulatto man called Franck, formerly the property of Thomas Lytle, late of Randolph county, and to confirm on him the name of Franck Lytle.	ib.	35
To empower the county court of New-Hanover to lay a tax for the purpose of destroying the vermin here-	ib.	36
in mentioned, and for altering one of the places for holding the annual elections in the county of New-Hanover; and to amend an act to encourage the destroying wolves, wild-cats, panthers and bears in the county of Carteret, passed in 1792.	ib.	36
To amend an act, entitled "An act for the regulation of the town of Newbern, and for other purposes therein mentioned," passed at Halifax, in January, 1779.	ib.	37
To repeal part of an act passed at Fayetteville, in 1793, entitled "An act for laying out a town on the lands of Thomas Matthews in the county of Moore;" and also to alter the time of holding the courts of pleas and quarter-sessions in the county of New-Hanover.	ib.	37
To establish a fair at the Hurricane in Richmond county.	ib.	38
To empower the county court of Orange, Burke and New-Hanover to employ some proper person to transcribe the books in Entry-taker's office in said counties.	ib.	38
Directing the Sheriff of Beaufort to hold an election for electing Commissioners for the town of Bath.	21	38
To appoint Commissioners to erect a court-house, &c. in the county of Cabarrus, and to repeal part of an act entitled "An act to divide the county of Mecklenburg."	ib.	39
Appointing Commissioners to fix on a place in the county of Montgomery for the court-house, &c.	ib.	39
To empower the county court of Tyrrel to lay a tax for the purpose of building a gaol.	ib.	40
To authorize Commissioners to purchase a piece of land in Wadesborough, for the public buildings, &c.	ib.	40
To amend the laws now in force for the regulation of the town of Salisbury, & to amend the act for the better regulation of the town of Halifax.	ib.	41
For the better regulation of the town of Wilmington.	30	41
To facilitate the navigation of Roanoke-River from Blountville to Cedar-Landing.	ib.	42
To emancipate Jack, alias Jack Small.	31	42
To establish a toll-road through the Great-Dismal Swamp, and to grant J. Perry an estate therein, &c.	ib.	43
To establish fairs at Rockford, South-Washington, & at the plantation of J. Campbell; and for altering the time of holding fairs at Huntville.	ib.	43
For the better regulation of the town of Fayetteville.	32	44
To enable P. Moul to collect the arrears of taxes, &c.	ib.	44
To carry into effect the petition of J. Naylor, by granting him a divorce from his wife Martha.	ib.	45
To appoint Commissioners to settle with the late Sheriffs of Glasgow and Lenoir, &c.	ib.	45
To establish a ware-house for the inspection of hemp in the town of Fayetteville.	ib.	46
For the better regulation of South-Washington.	33	46
To remove disabilities from certain persons.	ib.	47
To regulate the taking of fish with seines in Blount creek.	ib.	47
To appoint Commissioners to purchase two half-acre lots in the town of Smithfield and county of Johnston; and also to contract for the rebuilding of the court-house.	ib.	48
To amend the act for building a court-house in the town of Wilmington, and to empower the Justices of New-Hanover county to encrease the county tax.	34	48
To alter the names of certain persons.	ib.	49
For erecting a town on the lands of John Campbell.	35	49
To establish a third battalion, and two separate elections in the county of Rutherford.	ib.	50
To repeal part of the act to amend an act to facilitate the navigation of Haw and Deep-Rivers.	24	50
To emancipate a mulatto girl named Mary, the property of Michael Beam, dec. late of Rowan county.	ib.	51
For extending the navigation of Peedee River, &c.	ib.	51
For establishing an academy at Murfreesborough, and to incorporate the Fayetteville Library Society.	ib.	52
To establish a town at the confluence of Yadkin and Uharee rivers in the county of Montgomery.	37	52
Granting to the inhabitants of that part of Hyde west of Pungo river, a separate election.	ib.	53
For the relief of the executors of William Roberts.	38	53
To authorize George Keifer to extend a mill-dam across Rocky River.	ib.	54
To empower the county courts therein mentioned, to lay a tax for the purpose of destroying wolves and bears.	ib.	54
To secure to Abigail Rice, wife of John Rice, such estate as she may hereafter acquire.	ib.	55